

CITY OF CENTRAL, COLORADO
NOTICE OF A REGULAR MEETING of the CITY COUNCIL to be held on
Tuesday, November 20, 2012 @ 7:00 p.m.
141 Nevada Street, Central City, Colorado
AGENDA

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

7:00pm Council Meeting

1. Call to Order.
2. Roll Call.

Mayor	Ron Engels
Mayor Pro-Tem	Bob Spain
Council members	Bob Giancola
	Shirley Voorhies
	Rita Lee
3. Pledge of Allegiance
4. Additions and/or Amendments to the Agenda.
5. Conflict of Interest.
6. Consent Agenda: The Consent Agenda contains items that can be decided without discussion. Any Council member may request removal of any item they do not want to consider without discussion or wish to vote no on, without jeopardizing the approval of other items on the consent agenda. Items removed will be placed under Action items in the order they appear on the agenda (this should be done prior to the motion to approve the consent agenda).

Regular Bill lists of November 8 & 15;
October Financial Report; and
City Council minutes: November 6, 2012.

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

SECOND READING AND PUBLIC HEARING –

7. Ordinance No. 12-12: An ordinance of the City Council of the City of Central amending Article V of Chapter 6 of the Central City Municipal Code regarding Gaming Device Fees. (Michow)
8. Ordinance No. 12-13: An ordinance of the City Council of the City of Central amending certain provisions of Article II of Chapter 13 of the Central City Municipal Code; specifically regulations pertaining to yard hydrants. (Kisselman)
9. Ordinance No. 12-14: An ordinance of the City Council of the City of Central adopting and appropriating the 2013 Budget, adopting the 2013-2018 Pay Plan, adopting the Capital Improvement Plan, and setting a Property Tax Mill Levy. (Flowers)
10. Ordinance No.12-15: An ordinance adopting water rates and fees for water services. (Flowers)

ACTION ITEMS: NEW BUSINESS –

11. Resolution No. 12-15: A resolution of the City Council of the City of Central, Colorado approving the Assignment of Agreement for the operation of a Transportation Shuttle Service. (Michow)
12. Resolution No. 12-16: A resolution of the City Council of the City of Central, Colorado approving the First Amendment to Intergovernmental Agreement by and between the City of Central and the Central City Business Improvement District. (Michow)
13. Resolution No.12-17: A resolution of the City Council of the City of Central, amending the City of Central Comprehensive Fee Schedule. (Bechtel)
14. Ordinance No. 12-16: An ordinance amending Article VIII of Chapter 6 and Chapter 16 of the Municipal Code regarding Medical Marijuana Business Licensing and Zoning. (Michow)
15. Ordinance No. 12-17: An ordinance of the City Council of the City of Central amending certain provisions of Article III of Chapter 7 of the Central City Municipal Code regarding garbage and refuse; and adopting time when residential trash cans can be outside. (Thompson)

REPORTS –

16. Staff updates –

COUNCIL COMMENTS - limited to 5 minutes each member.

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

ADJOURN. Next Council meeting December 4, 2012.

Posted 11/16/12

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

**CITY OF CENTRAL
CASH ON HAND
11/15/2012**

Total Beginning ENB Cash on Hand 11/1/2012	17,826.36
Deposits to ENB	13,447.82
Wires Out ENB	(22,917.59)
Cleared Checks	-
<u>11/1/2012</u>	<u>8,356.59</u>
<less previously approved & outstanding>	(3,570.70)
Total ENB Cash on Hand 11/14/2012	4,785.89

Total Beginning CO Biz Cash on Hand 11/1/2012	1,338,902.32
Deposits to COB	72,712.44
Wires Out COB	(41,141.47)
Cleared Checks	(97,356.44)
<u>11/1/2012</u>	<u>1,273,116.85</u>
<less previously approved & outstanding>	(126,205.68)
Total COB Cash on Hand 11/14/12	1,146,911.17

Total Beginning Colotrust Cash on Hand 11/1/12	767,466.94
Wires into Account	1,862.30
Wires out of Account-Into Evergreen National	
Total Colotrust Cash on Hand 11/14/2012	769,329.24

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

TOTAL CASH ON HAND 11/14/10 **1,921,026.30**

**CITY OF CENTRAL
DEBIT CARD PURCHASES
11/2/12 thru 11/15/12**

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Amount</u>
11/2/2012	Northern Tool	PW Supplies	130.15
11/2/2012	Central Parts Warehouse	PW Supplies	73.07
11/2/2012	Annie Oakleys	Batteries	7.00
11/5/2012	Karaboo Ribbons	Christmans Ribbons	170.27
11/7/2012	HD Supply	Water Plant Parts	53.55
11/7/2012	Myweather.com	PD Subscription	37.95
11/7/2012	Hermannstreet.com	PW Supplies	29.99
11/8/2012	Bopters Media	PD Supplies	27.00
11/8/2012	MidCity Grille	Staff Dinner	68.18
11/9/2012	Amazon.com	PW Parts	158.43
11/9/2012	CO Dept of Transportation		130.00
11/13/2012	Winnelson		56.80
11/13/2012	MacNeil Automotive		124.90
11/15/2012	Onlinestores.com	PW Oarts	74.94
11/15/2012	Reserve Casino		44.17
11/15/2012	Sherwin Williams	Paint	299.63
11/15/2012	Safeway	Water Plant Supplies	27.35
11/15/2012	HD Supply	Water Plant Parts	25.64
<hr/>			
TOTAL			1,539.02

CASH FLOW
CHECK LISTING

Inv Date	Inv #	Ck. Date	CK#	Vendor	Description	Amount	Mail Date
		11/9/12	125609	ICMA-401	Retirement Contributions	2,362.08	Sent
		11/9/12	125610	ICMA-457	Retirement Contributions	1,204.47	Sent
		11/9/12	125611	ICMA-IRA	Retirement Contributions	281.00	Sent
		11/9/12	125612	Grossman & Grossman	Employee Garnishment	440.95	Sent
10/24/12	12737	11/8/12	125613	Blackwell Oil	Fuel	4,296.87	
10/12/12	5751130724	11/8/12	125614	Clear Creek Supply	PW Supplies	64.13	
10/29/12	102912	11/8/12	125615	Home Depot	PW and Water Supplies	1,245.04	
11/1/12	2219332	11/8/12	125616	Idaho Springs Lumber	PW Supplies	1.95	
9/11/12	256224	11/8/12	125617	Mountain States Employers	4th Qtr Dues	706.67	
10/29/12	LN269565	11/8/12	125618	Neve's Uniforms	Uniforms for Kidd	126.30	
11/1/12	912031	11/8/12	125619	Office Stuff	Office Supplies	107.17	
11/1/12	110112	11/8/12	125620	Xcel Energy	Electricity	6,406.97	
10/22/12	158167700	11/8/12	125621	Tyco Valves	Water Plant Parts	1,364.92	
11/6/12	CCORD1211	11/8/12	125622	Weekly Register Call	Publications	63.36	
10/29/12	422434	11/8/12	125623	Honnen Equipment	Oil Pump	71.47	
10/2/12	12755	11/8/12	125624	Med-Tech	FD Medical Equipment	149.25	
11/2/12	82840	11/8/12	125625	CO State Forest Service	Hose Parts for FD	1,810.76	
11/1/12	7994	11/8/12	125626	Allen Technology	IT Management for November	3,370.00	
11/1/12	15957	11/8/12	125627	One Way Inc.	Residential Trash Service	3,969.84	
10/1/12	7712	11/8/12	125628	Fireprogrms	Support and Upgrade for FD	640.00	
10/24/12	19508	11/8/12	125629	Allied Towing	Mount ATV Tires	62.00	
11/8/12	116100	11/8/12	125630	Air-O-Pure	Restrooms at Reservoir and Shop	95.00	
11/1/12	4236	11/8/12	125631	Ausmus Law Firm	Municipal Court Prosecution	600.00	
10/23/12	102312	11/8/12	125632	USA Communications	FD Internet	56.93	
10/25/12	1169	11/8/12	125633	Peak Motor Coach	PD Car Equipment	9,803.55	
10/23/12	DX31102	11/8/12	125634	Accutest Mountain States	Water Testing	386.00	
11/1/12	2018	11/8/12	125635	Finish Line Systems	Water Meters	2,434.90	
10/31/12	2309131	11/8/12	125636	EDS Waste Solutions	Dumpster Rental	75.00	
11/1/12	110112	11/8/12	125637	Ian Pierce	Volunteer Firefighter Reimbursement	200.50	
10/31/12	5273042	11/8/12	125638	Cogent	Water Plant Parts	5,302.53	
10/29/12	563	11/8/12	125639	Regal Tickets	Parking Tickets Printing	1,786.36	
11/8/12	110812	11/8/12	125640	Alejandro Vizcarra	Return of Bond	10	
11/8/12	110812	11/8/12	125641	Francesca Martinez	Return of Bond	90.00	
11/8/12	110812	11/8/12	125642	William Ellis	Return of Bond	60.00	
11/7/12	2219446	11/15/12	125643	Idaho Springs Lumber	Fiberglass	43.20	
10/30/12	269643	11/15/12	125644	Neve's Uniforms	Body Armor PD	813.99	
11/2/12	110211	11/15/12	125645	Xcel Energy	Electricity	6,268.64	
11/3/12	2012110471	11/15/12	125646	Antehm BCBS	Health Insurance Premiums	15,774.34	
11/6/12	121101	11/15/12	125647	Gilpin County Historical Society	Employee for Washington Hall	1,959.23	
11/9/12	7651	11/15/12	125648	Deere & Ault	General Water Consulting and Accounting	1,337.50	
11/1/12	569210	11/15/12	125649	FSH Communications	Toll Free Telephone Service	70.00	
8/27/12	AAA11048	11/15/12	125650	Allen Technology	IT Maintenance	3,691.79	

CASH FLOW
CHECK LISTING

11/15/2012

11/1/12	SI186362	11/15/12	125651	Books West	Books for Resale at VC	59.56
11/3/12	110412	11/15/12	125652	Sprint	Long Distance Fax	8.07
11/2/12	9669518	11/15/12	125653	Stanley Convergent Security	Alarm-Labor for repairs	400.00
11/15/12	116157	11/15/12	125654	Air-O-Pure	Restrooms at Reservoir and Shop	95.00
10/28/12	1132813930	11/15/12	125655	Verizon Wireless	Cell Phone Service	949.45
9/12/12	1147	11/15/12	125656	Peak Motor Coach	Lights for PW Truck	108.68
11/1/12	2013111	11/15/12	125657	Omni-Pro Cleaning	Monthly Cleaning City Hall	300.00
11/15/12	111512	11/15/12	125658	Alan Lanning	November Mileage and October Overage	342.00
11/1/12	110112	11/15/12	125659	T&D Car Wash	PD Car Washes	104.00
11/5/12	104556	11/15/12	125660	UMB Bank NA	Bond Trustee Fees	600.00
11/10/12	106337259	11/15/12	125661	Modular Space Corp	PW Office Lease	136.60
11/13/12	111512	11/15/12	125662	Teddi Vairma	Final Payment HP Grant 224 Lawrence	694.71
11/12/12	111212	11/15/12	125663	Nathan Bremer Dumm & Myers	Retainer for Ballowe Mediator	375.00
11/8/12	MMI092654	11/15/12	125664	Modern Marketing	Evidence Packaging-PD Supplies	680.79
Total Issued:						214,234.90
Approved & Sent Checks:						129,776.38
Clrd & Pending Approval						4,983.21
Voided Checks						375.00
Total Pending Approval 11/20						84,083.52

Outstanding through ENB 3,570.70
Outstanding through COB 126,205.68

YTD REVENUE EXPENDITURE FUND SUMMARY
AS OF October 31, 2012

<u>YEAR TO DATE</u>			
<u>Fund</u>	<u>Revenues YTD</u>	<u>Expenditures YTD</u>	<u>Excess/(Deficiency)</u>
General	4,153,792	3,823,927	329,865
Historic Preservation	446,706	706,560	(259,854)
Debt	608,870	130,395	478,475
Water	385,353	534,625	(149,272)
Totals	5,594,721	5,195,507	399,214

<u>YEAR END PROJECTION</u>			
<u>Fund</u>	<u>Revenues YE</u>	<u>Expenditures YE</u>	<u>Excess/(Deficiency)</u>
General	4,767,892	4,416,181	351,710
Historic Preservation	448,583	901,675	(453,092)
Debt	723,284	705,843	17,441
Water	483,780	786,249	(302,469)
Totals	6,423,539	6,809,948	(386,410)

**CITY OF CENTRAL
GENERAL FUND
REVENUES EXPENDITURE REPORT
As of 10/31/12-YEAR END PROJECTIONS**

REVENUES				<u>YE</u>	<u>Excess/</u>
<u>Account</u>	<u>Description</u>	<u>YTD</u>	<u>BUDGET</u>	<u>Projection</u>	<u>(Deficiency)</u>
01-311-0000	Specific Ownership Tax	763	1,500	900	(600)
01-311-0001	Delinquent Tax & Interest	147	100	150	50
01-311-0002	Miscellaneous Prop Taxes	-	2,700	-	(2,700)
01-311-1000	General Property Tax Revenue	18,815	21,645	20,000	(1,645)
01-313-0000	Sales Tax Revenue	608,871	600,000	700,000	100,000
01-313-0001	Delinquent Sales Tax Charges	-	-	-	-
01-313-1000	Use Tax	7,139	20,000	8,567	(11,433)
01-313-3000	Lodging Tax	45,686	36,000	50,000	14,000
01-318-2000	Franchise Tax	57,494	69,000	68,993	(7)
01-318-3000	Device Fees Machine Tax	1,627,661	1,829,991	1,948,174	118,183
01-318-3001	Device Fee-2nd Add'l	162,692	182,916	194,729	11,813
01-318-3002	Device Fees-Tollgate	390,535	568,674	487,697	(80,977)
01-320-1000	Sales Tax License	3,430	2,000	3,600	1,600
01-320-1001	Business Licenses	940	2,800	1,500	(1,300)
01-320-1002	Dispensary License	1,200	2,400	2,400	-
01-321-1000	Liquor License	2,973	4,000	4,000	-
01-321-6000	Contractors License	2,900	2,700	3,200	500
01-322-1000	Building Permits	5,452	15,000	6,542	(8,458)
01-322-7000	Sign License	325	600	400	(200)
01-335-4000	Highway User Tax Fund	41,022	45,000	45,000	-
01-335-4002	State Mineral Lease Distr.	392	250	392	142
01-335-4003	State Severance Tax Distr.	6,568	1,500	6,568	5,068
01-335-5000	Road & Bridges	14,140	17,000	16,968	(32)
01-335-6000	Cigarette Tax	1,607	1,300	1,800	500
01-335-9000	State Gaming Tax	841,882	800,000	841,882	41,882
01-341-1000	Court Costs	2,455	1,200	2,800	1,600
01-341-2000	Other(Pub, Cop, B/D Cert)	510	250	600	350
01-341-3000	Design Review Fees	4,754	5,000	5,000	-
01-341-5000	Other Licenses, Fees & Permits	3,449	4,000	4,139	139
01-341-6000	Elevator Inspection Fee	180	6,000	8,616	2,616
01-342-0000	Snow Removal/Equipment Rental	-	500	500	-
01-342-1000	Fingerprinting	1,973	2,600	2,368	(232)
01-342-5000	Impound Fees	-	-	-	-
01-347-8000	Marketing Revenues-Events	729	-	729	729
01-351-1000	Fines	37,741	45,000	45,000	-
01-352-1000	Bond Forfeiture	-	-	-	-
01-361-0000	Interest Income	175	200	200	-
01-362-2000	Surplus Sale Revenue	46,466	5,000	81,009	76,009
01-363-1000	Lease Revenue	46,200	43,500	57,488	13,988
01-390-0000	Other Misc Revenue	123,344	5,000	19,800	14,800
01-390-0422	Fire Dept Revenues	2,567	3,000	2,567	(433)
01-390-2001	CCP Maintenance-BID	20,000	20,000	20,000	-
01-390-2003	Deferred Rev. Recognition	-	5,000	55,000	50,000
01-391-0001	Sale of Property/Transfers In	-	-	-	-
01-396-0000	Lawsuit/Insurance Settlements	20,615	-	48,615	48,615
TOTAL REVENUES		4,153,792	4,373,326	4,767,892	394,566

**CITY OF CENTRAL
GENERAL FUND
REVENUES EXPENDITURE REPORT
As of 10/31/12-YEAR END PROJECTIONS**

JUDICIAL DEPARTMENT

<u>Account</u>	<u>Description</u>	<u>YTD</u>	<u>BUDGET</u>	<u>YE Projection</u>	<u>Excess/ (Deficiency)</u>
01-412-1100	Salaries & Wages	22,442	26,700	26,439	261
01-412-2100	Insurance Benefits	1,517	2,025	2,095	(70)
01-412-2200	Payroll Taxes	1,650	2,050	1,956	94
01-412-2210	State Unemployment Tax	39	80	51	29
01-412-2300	401K	571	675	675	-
01-412-2310	457	-	-	-	-
01-412-2400	Training/Seminars	20	100	20	80
01-412-2600	Workers Comp Insurance	864	915	864	51
01-412-3001	Attorney/Legal	6,000	7,200	7,200	-
01-412-3301	IT Maintenance	5,591	6,750	6,709	41
01-412-3330	Municipal Court Expense	425	-	425	(425)
01-412-4100	Electricity	-	500	500	-
01-412-4110	Sewer	-	175	175	-
01-412-5100	Postage	-	550	550	-
01-412-5200	Liability Insurance	106	105	106	(1)
01-412-5300	Telephone	707	2,840	848	1,992
01-412-5611	Credit Card Processing Fees	449	500	539	(39)
01-412-6110	Office Supplies	233	685	400	285
01-412-6111	Stationary/Forms	80	350	350	-
01-412-6112	Photocopier Charges	-	850	850	-
TOTAL JUDICIAL		40,694	53,050	50,752	2,298

ADMINISTRATION DEPARTMENT

01-413-1100	Salaries & Wages	94,939	112,200	112,201	(1)
01-413-1101	Mayor & Council Salaries	26,561	30,900	30,900	-
01-413-2100	Insurance Benefits	13,243	17,050	17,277	(227)
01-413-2200	Payroll Taxes	7,162	8,600	8,483	117
01-413-2201	Fica/Mdcr Mayor & Council	1,966	2,400	2,364	36
01-413-2210	State Unemployment Tax	316	350	368	(18)
01-413-2300	401K	-	5,866	-	5,866
01-413-2310	457	-	-	-	-
01-413-2400	Training-Staff	-	2,000	-	2,000
01-413-2402	Council Training	3,558	3,000	3,558	(558)
01-413-2600	Workers Comp Insurance	4,631	4,901	4,631	270
01-413-2900	Employee Appreciation	-	-	-	-
01-413-2901	Car Allowance - City Manager	-	-	-	-
01-413-3211	Boards & Commissions Stipends	400	2,100	400	1,700
01-413-3300	Other Professional Services	-	-	-	-
01-413-3301	IT Services & Support	4,847	3,000	2,066	934
01-413-3330	Attorney/Legal	112,716	70,000	132,716	(62,716)
01-413-3341	Special Legal	8,639	15,000	25,000	(10,000)
01-413-4100	Electricity	4,594	4,986	5,513	(527)
01-413-4110	Sewer	193	175	232	(57)
01-413-4303	Building Maintenance	7,125	1,200	6,174	(4,974)

**CITY OF CENTRAL
GENERAL FUND
REVENUES EXPENDITURE REPORT
As of 10/31/12-YEAR END PROJECTIONS**

<u>Account</u>	<u>Description</u>	<u>YTD</u>	<u>BUDGET</u>	<u>YE Projection</u>	<u>Excess/ (Deficiency)</u>
01-413-4304	Alarm Monitoring	517	620	620	(0)
01-413-4305	Elevator Contract	9,186	6,000	9,186	(3,186)
01-413-4400	BLM Land Lease	-	250	-	250
01-413-4410	Rental Expense-Bus Shelter	1,467	1,600	1,600	-
01-413-4420	Century/Tollgate Dv Fee Rebate	430,253	457,775	392,128	65,647
01-413-5100	Postage	537	600	644	(44)
01-413-5200	Liability Insurance	1,312	105	1,312	(1,207)
01-413-5201	Liability Deductibles	3,000	2,000	3,000	(1,000)
01-413-5300	Telephone	1,127	1,300	1,352	(52)
01-413-5301	Cellular Phones	391	540	469	71
01-413-5410	Classified	80	150	150	-
01-413-5700	Dues & Subscriptions	4,014	10,000	4,817	5,183
01-413-5800	Travel/Meals	4,148	4,500	4,978	(478)
01-413-5990	Council Discretionary	-	5,000	2,500	2,500
01-413-5991	Public Education	5,100	10,000	10,000	-
01-413-5997	Manager's Discretionary	95	5,000	5,000	-
01-413-6000	Miscellaneous Expense	88	500	100	400
01-413-6110	Office Supplies	560	685	672	13
01-413-6111	Stationary/Forms	-	200	100	100
01-413-6112	Photocopier Charges	1,116	850	1,339	(489)
01-413-6114	Software/Internet	1,126	185	1,200	(1,015)
01-413-7431	Computer Equipment	-	3,750	3,750	-
TOTAL ADMINISTRATION		755,007	795,338	796,801	(1,463)

CITY CLERK

01-411-1100	Salaries & Wages	52,629	61,200	62,044	(844)
01-411-1101	Event Coordination	-	1,000	1,000	-
01-411-2100	Insurance Benefits	5,188	10,100	7,351	2,749
01-411-2200	Payroll Taxes	3,923	4,700	4,643	57
01-411-2210	State Unemployment Tax	128	200	156	44
01-411-2300	401k	2,071	2,450	2,482	(32)
01-411-2310	457	-	-	-	-
01-411-2400	Training/Seminars	550	1,000	600	400
01-411-2600	Workers Comp Insurance	1,980	2,096	1,980	116
01-411-3002	Elections Expense	1,114	2,500	2,300	200
01-411-3301	IT Services & Support	4,666	3,000	5,599	(2,599)
01-411-3401	Records Preservation	-	2,000	-	2,000
01-411-3402	Codification	-	5,000	4,200	800
01-411-3403	Filing Fees	182	-	218	(218)
01-411-4100	Electricity	2,841	4,880	3,409	1,471
01-411-4110	Sewer	128	175	154	21
01-411-4303	Building Maintenance	2,720	1,200	2,720	(1,520)
01-411-4304	Alarm monitoring	517	620	620	(0)
01-411-5100	Postage	537	550	644	(94)
01-411-5111	City Clerk/Sleuth Software	-	-	-	-
01-411-5200	Liability Insurance	106	105	106	(1)
01-411-5300	Telephone	1,089	1,300	1,307	(7)

**CITY OF CENTRAL
GENERAL FUND
REVENUES EXPENDITURE REPORT
As of 10/31/12-YEAR END PROJECTIONS**

<u>Account</u>	<u>Description</u>	<u>YTD</u>	<u>BUDGET</u>	<u>YE Projection</u>	<u>Excess/ (Deficiency)</u>
01-411-5410	Classifieds	198	3,000	238	2,762
01-411-5420	Legal Publications	393	-	450	(450)
01-411-5611	Credit Card Fees	64	200	120	80
01-411-5700	Dues & Subscriptions	310	200	310	(110)
01-411-6110	Office Supplies	394	685	473	212
01-411-6111	Stationary & Forms	-	350	-	350
01-411-6112	Photocopier Charges	1,116	850	1,339	(489)
01-411-6113	Small Equipment	-	-	-	-
01-411-6114	Software/Internet	-	185	-	185
01-411-7431	Computer Equipment	2,746	3,750	2,746	1,004
TOTAL CITY CLERK		85,590	113,296	107,209	6,087

FINANCE DEPARTMENT

<u>Account</u>	<u>Description</u>	<u>YTD</u>	<u>BUDGET</u>	<u>YE Projection</u>	<u>Excess/ (Deficiency)</u>
01-415-1100	Salaries & Wages	91,786	108,250	108,439	(189)
01-415-1101	Event Coordination	-	1,000	1,000	-
01-415-2100	Insurance Benefits	12,042	13,900	15,289	(1,389)
01-415-2200	Payroll Taxes	6,893	8,300	8,167	133
01-415-2210	State Unemployment Tax	246	325	296	29
01-415-2300	401k	3,276	2,800	3,706	(906)
01-415-2310	457	-	-	-	-
01-415-2400	Training/Seminars	842	2,000	2,000	-
01-415-2600	Workers Comp Insurance	3,503	3,707	3,503	204
01-415-3220	Accounting/Auditors	19,000	22,000	19,000	3,000
01-415-3300	Other Professional Services	-	-	-	-
01-415-3301	IT Services & Support	4,666	3,000	5,599	(2,599)
01-415-3403	Filing Fees	-	-	-	-
01-415-4100	Electricity	2,841	4,674	3,409	1,265
01-415-4110	Sewer	128	175	154	21
01-415-4303	Building Maintenance	2,720	1,200	3,264	(2,064)
01-415-4304	Alarm Monitoring	517	620	620	(0)
01-415-5100	Postage	538	550	646	(96)
01-415-5110	Computer Network Agreement	2,795	2,800	2,795	5
01-415-5200	Liability Insurance	106	105	106	(1)
01-415-5300	Telephone	1,463	1,300	1,756	(456)
01-415-5410	Classified	12	150	100	50
01-415-5600	Treasurer's Fees	404	850	485	365
01-415-5610	Bank Charges	2,143	1,500	2,572	(1,072)
01-415-5611	Credit Card Processing Fees	47	300	150	150
01-415-5700	Membership Fees	857	250	857	(607)
01-415-5800	Travel	-	-	-	-
01-415-6110	Office Supplies	1,773	685	2,128	(1,443)
01-415-6111	Stationary & Forms	780	500	780	(280)

**CITY OF CENTRAL
GENERAL FUND
REVENUES EXPENDITURE REPORT
As of 10/31/12-YEAR END PROJECTIONS**

01-415-6112	Photocopier Charges	1,116	850	1,339	(489)
01-415-6114	Software/Internet	30	185	60	125
01-415-7431	Computer Equipment	3,850	3,750	3,850	(100)
	TOTAL FINANCE	164,374	185,726	192,069	(6,343)

COMMUNITY DEVELOPMENT

<u>Account</u>	<u>Description</u>	<u>YTD</u>	<u>BUDGET</u>	<u>YE Projection</u>	<u>Excess/ (Deficiency)</u>
01-419-1100	Salaries & Wages	77,714	72,160	88,445	(16,285)
01-419-2100	Insurance Benefits	6,169	4,500	8,037	(3,537)
01-419-2200	Payroll Taxes	5,864	5,520	6,685	(1,165)
01-419-2210	State Unemployment Tax	151	230	183	47
01-419-2300	401K	3,102	2,880	3,433	(553)
01-419-2400	Training/Seminars	53	1,000	53	947
01-419-2600	Workers Comp Insurance	4,124	2,471	4,124	(1,653)
01-419-3301	IT Services & Support	6,216	6,750	6,750	-
01-419-3401	Planning & Engineering	15,000	-	15,000	(15,000)
01-419-3402	Reimbursable Planning Expenses	52,834	5,000	52,834	(47,834)
01-419-3403	Contract Services	-	100	100	-
01-419-3404	Design Review Fees	-	5,000	2,500	2,500
01-419-3405	Plan Review	1,138	-	1,138	(1,138)
01-419-4100	Electricity	2,841	4,674	3,409	1,265
01-419-4110	Sewer	128	175	154	21
01-419-4303	Building Repairs & Maintenance	2,720	1,200	3,264	(2,064)
01-419-4304	Alarm Monitoring	517	620	620	(0)
01-419-4305	Building Permits	2,099	10,500	5,000	5,500
01-419-5100	Postage	537	550	644	(94)
01-419-5200	Liability Insurance	106	105	106	(1)
01-419-5300	Telephone	1,089	1,690	1,307	383
01-419-5410	Classifieds	291	700	400	300
01-419-5611	Credit Card Processing Fees	346	300	400	(100)
01-419-5700	Dues & Subscriptions	764	1,500	1,000	500
01-419-6110	Office Supplies	432	685	518	167
01-419-6111	Stationary & Forms	53	250	106	144
01-419-6112	Photocopier Charges	1,233	850	1,480	(630)
01-419-6114	Software/Internet	-	185	-	185
	TOTAL COMMUNITY DEVELOPMENT	185,521	129,595	207,690	(78,095)

PUBLIC WORKS DEPARTMENT

<u>Account</u>	<u>Description</u>	<u>YTD</u>	<u>BUDGET</u>	<u>YE Projection</u>	<u>Excess/ (Deficiency)</u>
01-431-1100	Salaries & Wages	348,753	452,128	406,240	45,888
01-431-1300	Overtime	2,483	6,000	3,000	3,000
01-431-2100	Insurance Benefits	78,949	120,774	96,627	24,147
01-431-2200	Payroll Taxes	26,149	33,440	30,547	2,893
01-431-2210	State Unemployment Tax	979	1,311	1,151	160
01-431-2300	401k	9,961	17,485	12,260	5,225
01-431-2310	457	-	-	-	-

**CITY OF CENTRAL
GENERAL FUND
REVENUES EXPENDITURE REPORT
As of 10/31/12-YEAR END PROJECTIONS**

<u>Account</u>	<u>Description</u>	<u>YTD</u>	<u>BUDGET</u>	<u>YE Projection</u>	<u>Excess/ (Deficiency)</u>
01-431-2400	Training/Seminars	2,249	2,000	2,249	(249)
01-431-2600	Workers Comp Insurance	16,613	14,016	16,613	(2,597)
01-431-3301	Computer IT	5,916	6,750	6,750	-
01-431-4100	Electricity	61,459	86,250	73,751	12,499
01-431-4110	Sewer	3,760	5,500	4,512	988
01-431-4210	Recycling	-	5,000	-	5,000
01-431-4211	City Trash Service	9,567	8,000	11,480	(3,480)
01-431-4212	Citizen Trash Service	44,402	42,500	50,000	(7,500)
01-431-4303	Building Maintenance	6,639	6,500	7,967	(1,467)
01-431-4304	Alarm Monitoring	2,475	620	2,600	(1,980)
01-431-4330	Streets & Culverts	501	5,000	501	4,499
01-431-4331	Paint Stripping	2,791	5,000	2,791	2,209
01-431-4332	Equipment & Tools	22,973	2,500	25,000	(22,500)
01-431-4345	Park Maintenance	3,753	750	3,753	(3,003)
01-431-4420	Equipment Rentals	7,102	1,000	7,102	(6,102)
01-431-5100	Postage	419	550	503	47
01-431-5200	Liability Insurance	46,270	45,445	46,270	(825)
01-431-5300	Telephone	2,228	1,900	2,674	(774)
01-431-5301	Cell Phones	2,523	3,000	3,028	(28)
01-431-5401	Summer Flowers	3,914	3,500	3,914	(414)
01-431-5402	Holiday Decorations	112	5,000	5,000	-
01-431-5403	Banners	429	-	429	(429)
01-431-5410	Classifieds	620	-	500	(500)
01-431-5700	Dues & Subscriptions	-	1,500	1,500	-
01-431-5800	Travel	401	-	401	(401)
01-431-6110	Office Supplies	2,555	685	2,555	(1,870)
01-431-6111	Stationary & Forms	106	100	106	(6)
01-431-6112	Photocopier Charges	1,116	850	1,339	(489)
01-431-6113	Uniforms	4,144	2,000	4,144	(2,144)
01-431-6114	Software/Internet	915	450	1,098	(648)
01-431-6116	Modular Trailer	1,381	3,639	2,000	1,639
01-431-6501	Sand & Salt	14,715	16,000	15,500	500
01-431-6502	Signs	1,821	500	1,821	(1,321)
01-431-6503	Paving Materials	10,635	10,000	10,635	(635)
01-431-6504	Mechanic Services/Prevent	-	20,000	-	20,000
01-431-7302	CCP Striping	177	5,000	177	4,823
01-431-7303	Sand for CCP	22,540	35,000	25,000	10,000
01-431-7304	Fuel-CCP	-	35,650	35,650	-
01-431-7305	Heavy Equipment Repair-CCP	5,286	20,000	15,000	5,000
01-431-7306	Plow Blades-CCP	5,884	10,000	5,884	4,116
01-431-7307	Electricity-CCP Lights	15,288	17,250	18,346	(1,096)
01-431-7308	Guardrail Repair	6,416	5,000	6,416	(1,416)
01-431-7309	CCP Signage	965	500	1,000	(500)
01-431-7310	Roworth Light/Sound Barrier	-	-	-	-
01-431-7311	Sturgeon Lighting Contract	1,494	1,000	1,793	(793)
01-431-7312	CCP Maintenance-Crack Filling	46,301	35,000	46,301	(11,301)
01-431-7314	CCP Fencing	55	1,000	55	945

**CITY OF CENTRAL
GENERAL FUND
REVENUES EXPENDITURE REPORT
As of 10/31/12-YEAR END PROJECTIONS**

<u>Account</u>	<u>Description</u>	<u>YTD</u>	<u>BUDGET</u>	<u>YE Projection</u>	<u>Excess/ (Deficiency)</u>
01-431-7420	Lease Purchase Payments	122,617	98,000	122,617	(24,617)
01-431-7424	Equipment Purchase	108,876	60,000	108,876	(48,876)
01-431-7431	Computer Equipment	-	-	-	-
TOTAL PUBLIC WORKS		1,087,677	1,261,043	1,255,425	5,618
01-430-4308	Heavy Equipment Repair	19,407	10,000	25,000	(15,000)
01-430-4309	Light Equipment Repair	12,469	10,000	12,469	(2,469)
01-430-4332	Equipment & Tools	120	-	120	(120)
01-430-4333	Small Item Supplies	90	900	400	500
01-430-6110	Shuttle Services	391,325	415,000	430,000	(15,000)
01-430-6260	Fuel	73,815	37,000	37,000	-
01-430-7420	Lease Purchase Payments	-	-	-	-
TOTAL FLEET MAINTENANCE		497,226	472,900	504,989	(32,089)
TOTAL PUBLIC WORKS & FLEET		1,584,903	1,733,943	1,760,414	(26,471)

POLICE DEPARTMENT

<u>Account</u>	<u>Description</u>	<u>YTD</u>	<u>BUDGET</u>	<u>YE Projection</u>	<u>Excess/ (Deficiency)</u>
01-421-1100	Salaries & Wages	279,368	280,100	331,926	(51,826)
01-421-1300	Overtime	6,435	1,000	3,500	(2,500)
01-421-2100	Insurance Benefits	41,738	38,850	51,717	(12,867)
01-421-2200	Payroll Taxes	5,474	4,380	6,847	(2,467)
01-421-2210	State Unemployment Tax	629	840	787	53
01-421-2310	457	6,286	6,950	7,765	(815)
01-421-2320	FPPA	20,105	22,000	24,310	(2,310)
01-421-2400	Training/Seminars	640	2,500	1,000	1,500
01-421-2401	Conferences	175	4,000	1,500	2,500
01-421-2600	Workers Comp Insurance	10,819	9,593	10,819	(1,226)
01-421-2901	Uniform Cleaning	1,358	-	1,630	(1,630)
01-421-3300	Equipment Repair	-	1,000	-	1,000
01-421-3301	IT Services & Support	5,407	3,000	8,000	(5,000)
01-421-4100	Electricity	2,841	6,170	3,409	2,761
01-421-4110	Sewer	128	175	154	21
01-421-4303	Building Maintenance	2,942	1,200	3,530	(2,330)
01-421-4304	Alarm Monitoring	517	620	620	(0)
01-421-4309	Vehicle Maintenance	13,027	8,000	14,000	(6,000)
01-421-5100	Postage	543	550	652	(102)
01-421-5111	Hrdwre/Sftwre Support Services	4,092	4,500	4,500	-
01-421-5200	Liability Insurance	1,158	157	1,158	(1,001)
01-421-5300	Telephone	3,697	4,260	4,436	(176)
01-421-5301	Cell Phones	2,532	3,000	3,038	(38)
01-421-5410	Classified	525	150	525	(375)
01-421-5411	Recruitment	5,366	500	5,366	(4,866)
01-421-5500	Printing	1,802	3,500	2,000	1,500

**CITY OF CENTRAL
GENERAL FUND
REVENUES EXPENDITURE REPORT
As of 10/31/12-YEAR END PROJECTIONS**

<u>Account</u>	<u>Description</u>	<u>YTD</u>	<u>BUDGET</u>	<u>YE Projection</u>	<u>Excess/ (Deficiency)</u>
01-421-5700	Dues & Subscriptions	915	1,500	1,000	500
01-421-5900	Victim Services	2,000	3,000	3,000	-
01-421-5901	Blood Alcohol Testing	70	500	250	250
01-421-6000	Miscellaneous	1,475	1,000	1,475	(475)
01-421-6107	Radio Equipment	2,008	500	2,008	(1,508)
01-421-6109	Equipment & Supplies	2,573	3,000	3,000	-
01-421-6110	Office Supplies	2,088	685	2,088	(1,403)
01-421-6111	Stationary/Forms	114	350	350	-
01-421-6112	Photocopier Charges	1,116	850	1,339	(489)
01-421-6113	Uniforms	5,091	5,000	6,000	(1,000)
01-421-6114	Software/Internet	6,513	250	6,513	(6,263)
01-421-6121	Firearms	10,660	8,000	10,660	(2,660)
01-421-6122	Animal Control	-	250	250	-
01-421-6123	Protective Equipment	1,528	1,500	1,528	(28)
01-421-6260	Fuel	266	11,800	11,800	-
01-421-6400	Books & Manuals	684	1,200	684	516
01-421-7410	VMS Board	2,370	50,000	2,370	47,630
01-421-7420	Vehicle Lease Payments	33,748	40,000	33,758	6,242
01-421-7431	Computer Equipment	6,866	3,750	6,866	(3,116)
01-421-7432	Emergency Equipment	18,649	50,000	62,000	(12,000)
01-421-8001	Prisoner Expense	-	500	250	250
	TOTAL POLICE	516,338	590,630	650,379	(59,749)

FIRE DEPARTMENT

01-422-1100	Salaries & Wages	57,046	67,420	67,418	2
01-422-1110	Firefighters Per Call	4,134	8,000	6,201	1,799
01-422-2100	Insurance Benefits	848	1,100	1,565	(465)
01-422-2200	Payroll Taxes	860	1,000	1,010	(10)
01-422-2210	State Unemployment Tax	121	210	152	58
01-422-2310	457	2,282	2,700	2,697	3
01-422-2320	FPPA	4,564	5,400	5,394	6
01-422-2321	FPPA Pension Contribbtn-Volunte	-	7,600	7,600	-
01-422-2400	Training	7,937	5,000	8,500	(3,500)
01-422-2600	Workers Comp Insurance	3,182	2,309	3,182	(873)
01-422-3301	IT Maintenance & Support	276	3,000	500	2,500
01-422-4100	Electricity	2,232	4,048	2,678	1,370
01-422-4110	Sewer	-	175	175	-
01-422-4302	Small Equipment Maintenance	1,007	2,500	1,208	1,292
01-422-4303	Building Maintenance	57	1,000	500	500
01-422-4309	Fire Truck Maintenance	26,406	12,000	27,000	(15,000)
01-422-5100	Postage	-	550	250	300
01-422-5200	Liability Insurance	158	157	158	(1)
01-422-5201	Liability Deductibles	-	-	-	-
01-422-5300	Telephone	2,558	2,595	3,070	(475)
01-422-5301	Cell Phones	358	400	430	(30)
01-422-5410	Classifieds	-	250	200	50

**CITY OF CENTRAL
GENERAL FUND
REVENUES EXPENDITURE REPORT
As of 10/31/12-YEAR END PROJECTIONS**

<u>Account</u>	<u>Description</u>	<u>YTD</u>	<u>BUDGET</u>	<u>YE Projection</u>	<u>Excess/ (Deficiency)</u>
01-422-5700	Dues & Subscriptions	499	2,500	1,200	1,300
01-422-6107	Supplies	2,896	3,000	3,000	-
01-422-6109	Fire Station Equipment	1,324	2,000	1,500	500
01-422-6110	Office Supplies	237	685	500	185
01-422-6112	Photocopier Charges	-	850	300	550
01-422-6113	Uniforms	1,741	2,500	2,089	411
01-422-6114	Software/Internet	490	1,000	588	412
01-422-6123	Safety Gear	1,873	10,000	5,000	5,000
01-422-6125	Medical Equipment	681	5,000	3,500	1,500
01-422-6126	Fire Supplies for Trucks	2,463	6,000	5,000	1,000
01-422-6127	Hoses & Nozzles	3,723	5,000	3,723	1,277
01-422-6128	Firefighter Health/Safety	-	1,000	-	1,000
01-422-6129	Fire Extinguishers	1,794	2,500	1,794	706
01-422-6130	Hiring Physicals	-	500	-	500
01-422-6260	Fuel	619	6,000	5,000	1,000
01-422-6400	Radio Equipment	534	1,500	1,500	-
01-422-7432	Radios & Radio Equipment	23,594	97,000	97,000	-
01-420-5001	Dispatch Services-Contract	22,500	30,000	30,000	-
01-420-5002	Ambulance Services-Contract	127,500	155,000	155,000	-
	TOTAL FIRE	306,494	459,449	456,582	2,867

MARKETING DEPARTMENT

01-450-2600	Workers Comp Insurance	-	-	-	-
01-450-3301	IT Services & Support	4,391	3,000	4,391	(1,391)
01-450-3330	Other Professional Services	-	-	-	-
01-450-3410	Web Site Maintenance	-	1,200	5,780	(4,580)
01-450-3413	Marketing Expenses	-	1,500	-	1,500
01-450-3415	Stage Maintenance	3,238	1,500	3,238	(1,738)
01-450-4100	Electricity	-	690	-	690
01-450-4110	Sewer	-	250	-	250
01-450-4303	Building Maintenance	-	250	-	250
01-450-4304	Alarm Monitoring	-	620	-	620
01-450-5100	Postage	666	550	1,000	(450)
01-450-5200	Liability Insurance	106	105	106	(1)
01-450-5300	Telephone	370	1,235	555	680
01-450-5400	Advertising	257	-	257	(257)
01-450-5411	Madam Lou Bunch Event	-	-	-	-
01-450-5413	Freedom Fest Event	-	-	-	-
01-450-5415	Misc. Events	2,369	-	2,369	(2,369)
01-450-5416	Business Events/Marketing	172,371	40,000	175,000	(135,000)
01-450-6110	Office Supplies	122	686	250	436
01-450-6112	Photocopier Charges	1,116	850	1,339	(489)
01-450-6114	Software/Internet	-	185	-	185
	TOTAL MARKETING	185,006	52,621	194,285	(141,664)

CITY OF CENTRAL
GENERAL FUND
 REVENUES EXPENDITURE REPORT
 As of 10/31/12-YEAR END PROJECTIONS

GENERAL FUND TOTALS

	<u>YTD</u>	<u>BUDGET</u>	<u>YE</u> <u>Projection</u>	Excess/ (Deficiency)
TOTAL GENERAL FUND EXPENDITURES	3,823,927	4,113,648	4,416,181	(302,533)
TOTAL GENERAL FUND REVENUES	4,153,792	4,373,326	4,767,892	394,566
EXCESS (DEFICIENCY) OF REV/EXP	329,865	259,678	351,710	92,032

**CITY OF CENTRAL
HISTORIC PRESERVATION FUND
REVENUE EXPENDITURE REPORT
AS OF 10/31/12 YEAR END PROJECTIONS**

<u>Account</u>	<u>Description</u>	<u>YTD</u>	<u>BUDGET</u>	<u>YE Projection</u>	<u>Excess/ (Deficiency)</u>
02-322-1000	Grant Building Permit	2,261	1,500	2,261	761
02-334-1000	State Grant/Revenues	438,032	400,000	438,032	38,032
02-347-8001	Visitors Center Revenue	6,200	5,000	8,000	3,000
02-361-0000	Interest on Investment	213	250	290	40
02-390-1000	Misc Income	-	-	-	-
TOTAL REVENUES		446,706	406,750	448,583	41,072
02-451-4100	Electricity-VC	3,228	3,740	4,842	(1,102)
02-451-4110	Sewer and Sanitation	193	200	290	(90)
02-451-4303	Building Maintenance-VC	757	500	800	(300)
02-451-5100	Postage-VC	-	550	550	-
02-451-5200	Liability Insurance-VC	106	105	106	(1)
02-451-5300	Telephone-VC	1,703	1,790	2,555	(765)
02-451-5405	Classifieds-VC	-	300	-	300
02-451-5611	Credit Card Processing	388	1,000	500	500
02-451-6110	Office Supplies-VC	418	685	627	58
02-451-6113	Inventory-VC	2,648	5,000	4,000	1,000
02-451-6114	Software-VC	22	185	100	85
02-451-6115	State Sales Tax-VC	203	250	232	18
02-456-1100	Salaries & Wages	25,968	57,500	33,509	23,991
02-456-2100	Health/Dental/Vision/D&YD	2,328	1,500	2,951	(1,451)
02-456-2200	FICA/MdCare	2,029	4,500	2,606	1,894
02-456-2210	State Unemployment Tax	119	200	142	58
02-456-2300	401k	-	1,000	930	70
02-456-2600	Worker's Compensation	1,861	1,970	1,861	109
02-456-3000	Contract Services	-	1,500	1,500	-
02-456-3201	Training/ Seminars	-	3,000	1,500	1,500
02-456-3211	Stipends	1,900	4,200	2,040	2,160
02-456-3330	Attorney-Legal	-	3,000	-	3,000
02-456-4303	Fire Department Repair	632	-	632	(632)
02-456-4304	City Property-Rehabilitation	495,341	65,000	554,773	(489,773)
02-456-4335	Cemetary Maintenance	-	15,000	15,000	-
02-456-5411	Historic Tourism	31,835	10,000	40,000	(30,000)
02-456-5412	CC Opera/Events	25,000	25,000	25,000	-
02-456-5413	NonpProfits Events/Marketing	450	15,000	15,000	-
02-456-5414	Business Events/Marketing	12,430	10,000	12,430	(2,430)
02-456-5700	Dues & Subscriptions	-	100	100	-
02-456-6110	Office Supplies	-	500	250	250
02-456-6112	Photocopier Charges	-	850	850	-
02-456-7201	Historic Property Acquisition	1,278	65,000	65,000	-
02-456-7203	Main St Streetscape	-	-	-	-
02-456-8805	Rehab Grants	81,451	100,000	100,000	-
02-456-8807	Sidewalks	13,376	-	7,000	(7,000)
02-456-8808	ROW/Improvement Projects	896	7,500	4,000	3,500
TOTAL HP EXPENDITURES		706,560	406,625	901,675	(495,050)
TOTAL REVENUES		446,706	406,750	448,583	41,072
EXCESS (DEFICIENCY) OF REV/EXP		(259,854)	125	(453,092)	(453,978)

**CITY OF CENTRAL
DEBT SERVICE FUND
REVENUE EXPENDITURE REPORT
AS OF 10/31/12 YEAR END PROJECTIONS**

<u>Account</u>	<u>Description</u>	<u>YTD</u>	<u>BUDGET</u>	<u>YE Projection</u>	<u>Excess/ (Deficiency)</u>
40-311-0000	Specific Ownership Tax	10,877	15,600	16,316	716
40-311-0001	Delinquent Tax/Int.	2,098	400	1,683	1,283
40-311-0002	Miscellaneous Tax	-	-	-	-
40-311-1000	Property Tax Revenues	268,361	313,500	313,500	-
40-318-3001	Device Fees-Add'l Tax #1	268,518	301,897	318,999	17,102
40-318-3002	Tollgate Device Fees	58,573	85,290	72,486	(12,804)
40-361-0000	Interest On Deposits	443	100	300	200
40-393-1001	Other Financing Source-Escrow	-	-	-	-
TOTAL REVENUES		608,870	716,787	723,284	6,497
EXPENDITURES					
40-471-8201	Short Term Loan Prin/Int	98,894	3,350	4,500	(1,150)
40-471-8205	GO Water Bonds 1981 princ	-	-	-	-
40-471-8208	GO Water Bonds Series 2010 Pri	-	420,000	420,000	-
40-471-8209	Excise Tax Bonds Series 2010 P	-	215,000	215,000	-
40-472-8209	GO Water Bonds, Series 2010 In	17,781	35,562	35,562	-
40-472-8210	Excise Tax Bonds, Series 2010	7,981	15,963	15,963	-
40-475-3100	Trustee Fess & Services	330	4,000	4,000	-
40-475-3101	Treasurer's Fees	5,409	7,000	10,818	(3,818)
TOTAL EXPENDITURES		130,395	700,875	705,843	(4,968)
EXCESS (DEFICIENCY) OF REV/EXP		478,475	15,912	17,441	1,529

**CITY OF CENTRAL
WATER FUND
REVENUE EXPENDITURE REPORT
AS OF 10/31/12**

<u>Account</u>	<u>Description</u>	<u>YTD</u>	<u>BUDGET</u>	<u>YE Projection</u>	<u>Excess/ (Deficiency)</u>
50-340-0001	Hydrant Revenue	9,561	9,600	11,473	1,873
50-340-0002	Water Sales Residential	281,537	297,600	337,844	40,244
50-340-0003	Water Sales Commercial	94,108	133,200	134,263	1,063
50-340-0005	Turn On/Off Fees	147	200	200	-
50-340-0006	Tap Fees	-	-	-	-
50-340-0007	Late Fees	-	1,000	-	(1,000)
50-361-1000	Interest On Water Bills	-	100	-	(100)
50-390-0000	Miscellaneous Revenue	-	500	-	(500)
TOTAL WATER REVENUE		385,353	442,200	483,780	41,580
50-433-1100	Salaries & Wages	109,435	103,600	134,913	(31,313)
50-433-1300	Overtime	1,179	2,000	1,000	1,000
50-433-2100	Insurance Benefits	15,888	11,600	20,907	(9,307)
50-433-2200	Payroll Taxes	8,329	7,925	10,278	(2,353)
50-433-2210	State Unemployment Tax	196	300	272	28
50-433-2300	401k	3,575	4,150	4,498	(348)
50-433-2400	Training/Seminars	2,309	3,000	3,000	-
50-433-2600	Workers Comp Insurance	5,141	3,966	5,141	(1,175)
50-433-3300	Ramey-Professional Services	-	-	-	-
50-433-3301	IT Maintenance	5,073	3,000	7,610	(4,610)
50-433-3330	General Legal (centci.001)	27,703	7,500	41,555	(34,055)
50-433-3331	Temp Supply Plan (centci.006)	1,541	-	2,312	(2,312)
50-433-3334	Forest Service ROW(centci.003)	-	2,000	2,000	-
50-433-3335	Augmentation Case (centci.007)	-	-	-	-
50-433-3342	Agr. Ditch (centci.037)	23	-	100	(100)
50-433-3353	Water Rights Acq. (centci.005)	-	-	-	-
50-433-3356	Frei Water Contract (.068)	-	7,000	7,000	-
50-433-3391	General Water Eng.	26,834	8,000	30,000	(22,000)
50-433-3392	Gilpin School (centci.029)	-	2,500	1,500	1,000
50-433-3395	Wetlands Mitigation (centi.052)	343	-	500	(500)
50-433-3398	New Water Leases	4,899	4,000	6,000	(2,000)
50-433-3399	Distribution Assessment	58,381	70,000	70,000	-
50-433-3400	Aquapura Surface Water Rights	-	-	-	-
50-433-3401	Raw Water Assessment	-	15,000	15,000	-
50-433-3432	Water Accounting/Admin	13,593	30,500	30,500	-
50-433-3433	Comp Modeling/Engineering	-	2,000	2,000	-
50-433-3434	Forest Service Study	-	-	-	-
50-433-3435	Opposition to Water Rights	1,963	18,000	15,000	3,000
50-433-3495	Water Rights/Engineering	-	8,000	8,000	-
50-433-3496	BH Trial Prep	-	30,000	25,000	5,000
50-433-3497	BH Water Project/Fed Reserve	-	10,000	7,500	2,500
50-433-4100	Electricity	23,993	43,900	40,990	2,911
50-433-4250	Chemical Testing	7,088	6,300	10,632	(4,332)
50-433-4301	Repairs & maintenance	-	-	-	-
50-433-4303	Building Maintenance	1,209	6,300	1,000	5,300
50-433-4309	Vehicle Maintenance	4,173	5,000	5,000	-

**CITY OF CENTRAL
WATER FUND
REVENUE EXPENDITURE REPORT
AS OF 10/31/12**

<u>Account</u>	<u>Description</u>	<u>YTD</u>	<u>BUDGET</u>	<u>YE Projection</u>	<u>Excess/ (Deficiency)</u>
50-433-4350	Spring Line-Collection Line Re	-	-		
50-433-4351	Pump Station Maintenance	4,971	15,000	10,000	5,000
50-433-4352	Tools & Supplies	240	2,000	1,500	500
50-433-4353	Plant Repairs	16,545	15,000	15,000	-
50-433-4354	Distribution	19,458	30,000	30,000	-
50-433-4355	Reservoir Maintenance	5,063	3,000	3,000	-
50-433-4356	Meter Maintenance	3,152	3,000	3,152	(152)
50-433-4357	Fire Hydrant Repair/Maintenance	2,114	1,000	2,114	(1,114)
50-433-4401	Ditch Fees	15,761	22,500	22,500	-
50-433-4501	CO Public Water System	-	300	300	-
50-433-5100	Postage	24	500	150	350
50-433-5200	Liability Insurance	11,627	11,489	11,627	(138)
50-433-5300	Telephone	1,578	2,800	2,367	433
50-433-5301	Cell Phones	1,274	1,000	1,911	(911)
50-433-5410	Classifieds	550	550	550	-
50-433-5611	Credit Card Processing Fees	620	750	930	(180)
50-433-5700	Dues & Subscriptions	562	2,000	1,500	500
50-433-5701	Licensing & Maintenance	984	4,500	4,500	-
50-433-5800	Travel	12	-	12	(12)
50-433-6110	Office Supplies	715	685	685	-
50-433-6111	Stationary/Forms	53	100	100	-
50-433-6112	Photocopier Charges	1,116	850	1,674	(824)
50-433-6113	Small Equipment	-	3,000	3,000	-
50-433-6114	Software/Internet	2,213	600	3,000	(2,400)
50-433-6115	Uniforms	597	750	750	-
50-433-6260	Fuel	801	1,000	1,000	-
50-433-6270	Chemicals	10,954	10,000	10,000	-
50-433-7001	Depreciation Expense	-	-	-	-
50-433-7420	Bulk Water Fill Station	-	1,200	1,200	-
50-433-7421	Plant Capital Repairs/Imprvmt	65,035	60,000	60,000	-
50-433-7422	Residential Meters/Installatio	39,987	30,000	45,000	(15,000)
50-433-7423	Commercial Meters/Installation	1,421	-	1,421	(1,421)
50-433-7424	Backwash/Sanitary Lines	-	30,000	30,000	-
50-433-7425	Radio Read Software & Device	-	-	-	-
50-433-7431	Computers & Software	4,297	13,750	8,000	5,750
50-433-8900	Bad Debts	33	100	100	-
TOTAL WATER		534,625	682,965	786,249	(103,284)
TOTAL REVENUES		385,353	442,200	483,780	41,580
EXCESS (DEFICIENCY) OF REV/EXP		(149,272)	(240,765)	(302,469)	(61,704)

**CITY OF CENTRAL
CITY COUNCIL MEETING
November 6, 2012**

CALL TO ORDER

A regular meeting of the City Council for the City of Central was called to order by Mayor Engels at 7:00 p.m., in City Hall on November 6, 2012.

ROLL CALL

Present: Mayor Engels
Alderman Spain
Alderman Giancola
Alderman Voorhies
Alderman Lee

Absent: None

Staff Present: Attorney McAskin
City Clerk Bechtel
Finance Director Flowers
CDD/HPO Thompson
Utilities Superintendent Griffith
Police Chief Krelle
Fire Chief Allen

The Pledge of Allegiance was recited by all present.

ADDITIONS AND/OR AMENDMENTS TO THE AGENDA

City Clerk Bechtel asked to table Ordinance No. 12-12 since it has been posted for Public Hearing on November 20th.

CONFLICTS OF INTEREST

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

CONSENT AGENDA

Alderman Spain moved to approve the consent agenda containing the regular bill lists for October 18, 25 and November 1, 2012; and the City Council minutes of October 16, 2012. Alderman Giancola seconded, and without discussion, the motion carried unanimously.

PUBLIC FORUM/AUDIENCE PARTICIPATION

Linda Buckley, RE Broker, stated she helped get gaming in Colorado as well as working for the completion of the Parkway. She discussed her plans to extend a rail line to Central City and build the largest casino in Colorado.

SECOND READING AND PUBLIC HEARING

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

Attorney McAskin explained that the Central City Municipal Court (the “Court”) and the Police Department (“CCPD”) have requested that the City adopt the 2010 Model Traffic Code. A public hearing on the adoption of the 2010 Model Traffic Code is required prior to adoption on second reading. Notice of the public hearing was published in The Weekly Register-Call on October 11, 2012 and October 25, 2012, in accordance with statutory requirements. A copy of the publisher’s affidavit is on file with the City Clerk’s office. The City Council has authority to adopt by reference published compilations of regulations adopted by other political subdivisions of the State pursuant to Part 2, Article 16 of Title 31, Colorado Revised Statutes.

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

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

To meet the City’s specific needs, it is necessary to make several deletions, additions, and modifications to the 2010 Model Traffic Code include the following:

- Section 236 of the Model Traffic Code was amended to reflect the current version of C.R.S. § 42-4-236, which includes changes that were made during the 2011 legislative session.
- Section 1701 of the Model Traffic Code, which classifies and sets penalties for traffic offenses, will not be adopted because the City (through the Court) separately establishes its own fines and penalties. Note: A copy of the Court’s current fine schedule (adopted via order dated October 2, 2012) is attached as **Exhibit A** and is incorporated herein by reference.
- As set forth in the proposed Ordinance, the Court is vested with authority to amend the Fine Schedule. Further, the City Council may, from time to time, amend the Fine Schedule by resolution duly adopted.
- Section 1702 of the Model Traffic Code, which establishes traffic offenses for counties, will not be adopted because it is irrelevant to the City.
- Sections 1705 and 1707 of the Model Traffic Code (establishing the summons and other court procedures) have been reinserted.

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

Mayor Engels opened the Public Hearing at 7:07 pm. Hearing no comment, Mayor Engels closed the Public Hearing at 7:08 pm.

Alderman Spain moved to adopt Ordinance No. 12-11: An ordinance of the of the City Council of the City of Central, Colorado regulating vehicles and traffic; amending certain provisions of Article 1 of Chapter 8 of the Municipal Code concerning the Model Traffic Code; adopting the revised 2010 Model Traffic Code for Colorado by reference with amendments; setting forth in full the penalty clause; and setting forth details in relation thereto on 2nd reading and following the Public Hearing. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

NEW BUSINESS

Ordinance No. 12-13: *An ordinance of the City Council of the City of Central amending certain provisions of Article II of Chapter 13 of the Central City Municipal Code; specifically regulations pertaining to yard hydrants.*

Utilities Superintendent Griffith explained that staff wants to provide clear direction on yard hydrants and how they are metered and allowed as a use in the City. There are three things that have been clarified in the new Ordinance:

Each yard hydrant allowed pursuant to this Section 13-124 shall:

- a. have adequate backflow prevention, consisting of a screw-on vacuum breaker or other backflow preventer approved by the City; and
- b. be separately metered with a radio-read meter approved by the City; and
- c. meet the ASSE requirements specified in Subsection (b) of this Section, if an existing yard hydrant is replaced following the effective date of this Section.

Basically if you already have a meter pit you are in compliance. All yard hydrants much have backflow prevention that can be purchased for \$5. If you need a 2nd meter the City will pay half of the meter cost up to \$125 and if you choose not to get the second meter, there will be a \$75 fee from April to October. If your hydrant fails you will need to remove it or upgrade to AWA standards.

Alderman Giancola moved to adopt Ordinance No. 12-13: An ordinance of the City Council of the City of Central amending certain provisions of Article II of Chapter 13 of the Central City Municipal Code; specifically regulations pertaining to yard hydrants and set the Public Hearing for November 20th at 7:00pm. Alderman Spain seconded, and without discussion, the motion carried unanimously.

Ordinance No. 12-14: *An ordinance of the City Council of the City of Central adopting and appropriating the 2013 Budget, adopting the 2013-2018 Pay Plan, adopting the Capital Improvement Plan, and setting a Property Tax Mill Levy.*

Finance Director Flowers explained that in accordance with C.R.S. § 29-1-105, the budget officer for the City is required to submit the proposed budget for the following year to the City Council by October 15th. Presentation of the 2013 Proposed Budget does not mean that the budget has been adopted or that revisions cannot/will not be made prior to actual adoption. By formally presenting the 2013 Proposed Budget to Council the document becomes available for inspection by the public. The "Notice of Budget" has been published in accordance with C.R.S. § 29-1-106.

The public hearing will be held on November 20, 2012. Revisions can be made to the Proposed Budget at any time prior to final adoption on November 20, 2012. Some points to note are:

- A 2% cost of living adjustment and a possible 3% merit increase are reflected for all

salaries and wages.

- Council has specifically reserved \$100,602 of the General Fund, \$49,351 on the Conservation Trust Fund and \$127,424 of the Public Property Trust Fund for grant match funds.
- The Water Fund reflects a tiered water rate system for residential accounts with a base rate beginning at \$60.00, \$48.00 for seniors and a commercial base rate of \$95.00 for up to 10,000 gallons.

Alderman Voorhies moved to adopt Ordinance No. 12-14: An ordinance of the City Council of the City of Central adopting and appropriating the 2013 Budget, adopting the 2013-2018 Pay Plan, adopting the Capital Improvement Plan, and setting a Property Tax Mill Levy and set the Public Hearing for November 20th at 7:00pm. Alderman Spain seconded, and without discussion, the motion carried unanimously. Alderman Lee thanked Finance Director Flowers for noting the reserves and the lease purchase financial debt schedule in the budget.

Ordinance No.12-15: An ordinance adopting water rates and fees for water services.

Finance Director Flowers explained that in conjunction with the adoption of the 2013 Budget, the Water Rates as presented in the budget need to be adopted. With the completion of the residential meter installation project, the City will now be able to charge residents for water based off of actual usage. During a number of budget work sessions, Staff and Council developed tiered rate structures for both residential and commercial users that will serve two purposes; make the Water Fund self sufficient and address the issue of equitability between what user groups are charged and how much water they use.

Residential

Tier 1 Base Rate \$60 For up to 3,000 gallons used

Tier 2 Base Rate \$60 + \$4.84 per thousand gallons used from 3,001 to 5,000

Tier 3 Base Rate \$60 + \$5.81 per thousand gallons used from 5,001 to 7,000

Tier 4 Base Rate \$60 + \$6.97 per thousand gallons used over 7,001

Residents who are aged sixty-five (65) or older and who resides in the water using unit will be eligible for the Senior Discount. The Senior Discount reduces the base rate charged to \$48 per month. The Senior Discount applies to the base rate only. Amounts for usage will be charged as shown above. Regardless of the amount of water used, the base rates of either \$60 or \$48 will be charged.

Commercial

Tier 0 Base Rate of \$60 for those who use less than 10,000 gallons per month

Tier 1 Base Rate of \$95 + \$7.26 per thousand gallons used from 10,001-15,000

Tier 2 Base Rate of \$95 + \$10.89 per thousand gallons used from 15,001-20,000

Tier 3 Base Rate of \$95 + \$13.61 per thousand gallons used from 20,001-30,000

Tier 4 Base Rate of \$95 + \$14.97 per thousand gallons used from 30,001-50,000

Tier 5 Base Rate of \$95 + \$16.47 per thousand gallons used over 50,000

Out-of-City

\$64 per thousand gallons-no change from current

As discussed in the Budget Message, the Water Fund's self-sufficiency and the aged infrastructure of the system itself have been made major priorities by City Council. In 2011, the City began the process of correcting these financial and infrastructure deficiencies in several different ways. The first of those was to accept and approve a Five (5) year financial plan that makes the Water Fund self-supporting by the end of the fifth year. As part of this plan, water rates needed to be increased in each of those five years. 2012 was the second year in this plan. In addition to increasing water rates to achieve a self-sufficient fund, Council also directed staff to institute the water meter program in which all commercial water meters were to be replaced and all residential units were to have a water meter installed. By installing meters on all residential units, the City will be able to institute a tiered rate billing structure that charges both businesses and residents for the water they actual use thereby creating equity in the system and proper revenue streams financially. All commercial meters within the City were replaced in 2011. At this time, nearly all residential meters have been installed and staff will have all of them completed by the close of 2012.

Alderman Spain moved to adopt Ordinance No.12-15: An ordinance adopting water rates and fees for water services and set the Public Hearing for November 20th at 7:00pm. Alderman Giancola seconded, and without discussion, the motion carried unanimously.

STAFF REPORTS

Alderman Giancola asked Chief Krelle about his new vehicles. Chief Krelle stated that he has the unmarked Chief's vehicle and expects the remaining two black and white vehicles in the next couple of weeks.

Alderman Voorhies thanked Utilities Superintendent Griffith for his explanation on the yard hydrant issue.

COUNCIL COMMENTS

Mayor Engels welcomed Dominic Bland, visiting from London, interested in our government process.

PUBLIC FORUM/AUDIENCE PARTICIPATION

No one requested time to address the Council.

Hearing no further business, Mayor Engels adjourned the meeting at 7:23 p.m.
The next Council meeting is scheduled for November 20, 2012 at 7:00 p.m.

Ronald E. Engels, Mayor

Reba Bechtel, City Clerk





AGENDA ITEM # 7

CITY COUNCIL COMMUNICATION FORM

TO: Mayor Engels and Members of City Council
FROM: Marcus McAskin, Assistant City Attorney
DATE: November 20, 2012
ITEM: Ordinance 12-12

ORDINANCE
 MOTION
 INFORMATION

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

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

Ordinance 12-12 accomplishes the extension of the marketing device fee and will allow the City and the Central City Business Improvement District (the "CCBID") to continue to cooperate with respect to advertising and marketing activities. Ordinance 12-12 was approved on first reading on October 16, 2012.

- II. **RECOMMENDED ACTION / NEXT STEP:** Approve Ordinance 12-12 on second reading, following public hearing.
- III. **FISCAL IMPACTS:** The proposed adoption of Ordinance 12-12 is expected to have no substantive fiscal impact.

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

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

The City and the CCBID desire to extend the Marketing Fee for calendar year 2013. Following first reading, counsel for the CCBID (Paul Cockrel and Kathryn Winn of Collins, Cockrel & Cole, P.C.) recommended some minor revisions to Ordinance 12-12. The City Attorney has reviewed the proposed changes and has concluded that all of the proposed revisions are non-substantive in nature and may be approved by City Council.

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

As Ordinance 12-12 extends the Marketing Fee for calendar year 2013, the IGA will need to be amended. For that reason, a resolution approving the First Amendment to the IGA is also on the November 20, 2012 agenda for consideration by City Council.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES: N/A

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

- (1) Approve Ordinance 12-12 on second reading following public hearing;
- (2) Direct staff to make revisions to the Ordinance and continue the public hearing on the ordinance to a date certain; or
- (3) Reject or deny the Ordinance.

As set forth above, Ordinance 12-12 was approved on first reading at the October 16, 2012 regular City Council meeting.

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

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

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

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

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

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

WHEREAS, the Marketing Fee is scheduled to expire on December 31, 2012; and

WHEREAS, as set forth in the Prior Ordinance, the City Council may approve an extension of the Marketing Fee by Ordinance; and

WHEREAS, City Council desires to extend the Marketing Fee in order to fund the continuation of CCBID advertising and marketing efforts during calendar 2013; and

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

WHEREAS, the casinos have approached the City and the CCBID and have committed to continuing to pay the Transportation Fee and the Marketing Fee in the total amount of \$27.08 per month; and

WHEREAS, the City Council desires to amend the gaming device regulations in order to recognize the extension of such gaming device fees.

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

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

Section 6-134. Device Fee Imposed.

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

- (c) Notwithstanding the foregoing requirement to pay a monthly device fee to assist the City and the CCBID with providing transportation services and improvements and funding advertising and marketing expenses, the City Council is authorized to establish incentive programs wherein such device fee may be temporarily waived or reduced on such terms and conditions as set forth by resolution of City Council.
- (d) All revenues collected by the City from the Transportation Fee and the Marketing Fee shall be remitted to the CCBID or paid to the CCBID's contractors pursuant to the terms of an intergovernmental agreement by and between the City and the CCBID, which agreement shall memorialize the transportation services and improvements and the joint advertising and marketing efforts to be provided by the CCBID and the responsibilities of the respective entities, or shall otherwise be appropriated and spent by the City as approved by City Council.

Section 2. Severability. Should any one or more sections or provisions of this Ordinance be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance, the intention being that the various sections and provisions are severable.

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

Section 4. Effective Date. This Ordinance shall become effective immediately following publication, public hearing and the approval of City Council following second reading in accordance with Sections 5.9 and 5.10 of the City Charter.

INTRODUCED AND READ by title only on first reading at the regular meeting of the City Council of the City of Central on the 16th day of October, 2012, at Central City, Colorado.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

Approved as to form:

Linda C. Michow, City Attorney

ATTEST:

Reba Bechtel, City Clerk

PASSED AND ADOPTED on second reading, at the regular meeting of the City Council of the City of Central on the 20th day of November, 2012.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel, City Clerk

POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY in the Weekly Register Call newspaper on October 18, 2012.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on November 22, 2012.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel City Clerk



AGENDA ITEM # 8

CITY COUNCIL COMMUNICATION FORM

FROM: Kent Kisselman, Operations Director

DATE: November 6, 2012

ITEM: Ordinance No. 12-13: An Ordinance Amending certain provisions of Article II of Chapter 13 of the Central City Municipal code; specifically regulations pertaining to Yard Hydrants.

NEXT STEP: A Motion to approve Ordinance No. 12-13 An Ordinance Amending certain provisions of Article II of Chapter 13 of the Central City Municipal code; specifically regulations pertaining to Yard Hydrants.

ORDINANCE
 MOTION
 INFORMATION

- I. **REQUEST OR ISSUE:** To provide direction on the issue of yard hydrants. Please see attached ordinance for further details.
- II. **RECOMMENDED ACTION / NEXT STEP:** Motion to approve
- III. **FISCAL IMPACTS:** None
- IV. **BACKGROUND INFORMATION:** Public Works Department has been installing water meters and several homes have existing yard hydrants that may not be a part of the new meters readings. We want to provide clear direction on yard hydrants and how they are metered and allowed as a use in the City.
- V. **LEGAL ISSUES:** Legal has reviewed the Ordinance.
- VI. **CONFLICTS OR ENVIRONMENTAL ISSUES:** N/A
- VII. **SUMMARY AND ALTERNATIVES:**
Council may take one of the following actions:
 - Approve as presented
 - Deny

**CITY OF CENTRAL, COLORADO
ORDINANCE 12-13**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTRAL,
COLORADO AMENDING CERTAIN PROVISIONS OF ARTICLE II OF
CHAPTER 13 OF THE CENTRAL CITY MUNICIPAL CODE; SPECIFICALLY
REGULATIONS PERTAINING TO YARD HYDRANTS**

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

WHEREAS, in furtherance of the public health, safety and welfare of the City of Central, the City Council revised Chapter 13 of the Municipal Code through the passage of Ordinance 12-08, adopted following second reading on August 7, 2012; and

WHEREAS, at the public hearing on Ordinance 12-08, the City Council requested City staff to delay enforcement of Section 13-124 of the Municipal Code and to consider further amendments to the City's yard hydrant regulations; and

WHEREAS, City staff has proposed amendments to the City's existing yard hydrant regulations; and

WHEREAS, the City Council considered the proposed revisions to Section 13-124 of the Municipal Code in a Council study session held on October 16, 2012; 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. Section 13-124 of Article II of Chapter 13, titled "Yard hydrants" is hereby amended to read as follows in its entirety:

Sec. 13-124. Yard hydrants.

- (a) No yard hydrant or standpipe ("yard hydrant") will be allowed at any premises within the City, unless a premises has an existing yard hydrant on the effective date of this Section. No new yard hydrants shall be installed within the City at any premises following the effective date of this Section.
- (b) Any yard hydrant located within the City on the effective date of this Section shall be allowed to remain for so long as the yard hydrant remains functional and in compliance with all applicable requirements of this Section 13-124. In

all instances, if an existing yard hydrant becomes non-functional and needs to be repaired or replaced in order to properly function, such yard hydrant shall be replaced with a yard hydrant that meets the requirements of the "American Society of Sanitary Engineers (ASSE) Standard 1057, Performance Requirements for Freeze Resistant Yard Hydrants with Backflow Protection" (2001). Any non-functional yard hydrant that is not replaced with a yard hydrant meeting the ASSE requirements shall be permanently removed or otherwise permanently disabled at the homeowner's expense, in accordance with Subsection (g) below. No yard hydrant shall be utilized as a primary source of potable water for the customer.

- (c) Each yard hydrant allowed pursuant to this Section 13-124 shall:
- (1) have adequate backflow prevention, consisting of a screw-on vacuum breaker or other backflow preventer approved by the City; and
 - (2) be separately metered with a radio-read meter approved by the City; and
 - (3) Meet the ASSE requirements specified in Subsection (b) of this Section, if an existing yard hydrant is replaced following the effective date of this Section.
- (d) All yard hydrants shall be in compliance with the applicable requirements of Subsection (c) of this Section on or before April 1, 2013. Except as specifically set forth in this Subsection (d), all costs related to complying with the requirements of Subsection (c) of this Section shall be borne by the customer. The City shall reimburse each customer installing a radio-read meter on a yard hydrant fifty percent (50%) of the cost of the radio-read meter, up to a maximum reimbursement of one hundred and twenty five dollars (\$125.00) per customer.
- (e) Any yard hydrant not separately metered by April 1, 2013 shall be subject to a yard hydrant special assessment of four hundred and fifty dollars (\$450.00) per applicable irrigation season. The special assessment shall be billed to the customer at the rate of seventy five dollars (\$75.00) per month for the six month period beginning April 1 of each calendar year and ending September 30 of each calendar year, inclusive. The yard hydrant special assessment is intended to approximate fair and equitable water usage charges for all non-metered yard hydrants. The City shall retain the right to adjust the yard hydrant special assessment by Ordinance, as provided in Section 12.3 of the City's Home Rule Charter.
- (f) For all premises having a permitted yard hydrant, water meters for said premises will be replaced within the customer's home, where physically possible and where recommended by the Public Works Department. If the

Public Works Department determines that the water meter may not be replaced within the customer's home, then a meter pit will be considered.

- (g) Any existing yard hydrant not meeting the applicable requirements of this Section must be abandoned and disconnected from the City water system, or otherwise permanently disabled, within thirty (30) days following: (1) the date on which the customer discovers that the yard hydrant is non-functional and fails to replace the yard hydrant as required by Subsection (b) of this Section; or (2) delivery of written notice by the City. If a customer fails to disconnect an unauthorized yard hydrant from the City water system within the applicable time period, the City may proceed to disconnect or permanently disable the same and the customer shall be responsible for all cure charges, as set forth in Section 13-56 of this Chapter, and any other applicable fees or penalties authorized by this Chapter.
- (h) In accordance with Section 13-83 of this Chapter, duly authorized City representatives shall be permitted to enter upon property at reasonable times for the purpose of inspecting yard hydrants in order to properly administer and enforce this Section 13-124.

Section 2. Codification Amendments. 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 3. 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 4. 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 5. Effective Date. This Ordinance shall become effective immediately following publication, public hearing and the approval of City Council following second reading in accordance with Sections 5.9 and 5.10 of the City Charter.

INTRODUCED AND READ by title only on first reading at the regular meeting of the City Council of the City of Central on the 6th day of November, 2012, at Central City, Colorado.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

Approved as to form:

Linda C. Michow, City Attorney

ATTEST:

Reba Bechtel, City Clerk

PASSED AND ADOPTED on second reading, at the regular meeting of the City Council of the City of Central on the 20th day of November, 2012.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel, City Clerk

POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY in the Weekly Register Call newspaper on November 8, 2012.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on November 22, 2012.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel City Clerk



AGENDA ITEM #9

CITY COUNCIL COMMUNICATION FORM

FROM: Shannon Flowers, Finance Director

DATE: November 14, 2012

ITEM: Ordinance 12-14 An Ordinance of the City Council of the City of Central Adopting and Appropriating the 2013 Budget, Adopting the 2013-2018 Pay Plan, Adopting the Capital Improvement Plan and Setting a Property Tax Mill Levy

NEXT STEP: Make a motion to adopt Ordinance 12-14

ORDINANCE
 MOTION
 INFORMATION

- I. **REQUEST OR ISSUE:** Over the course of the past few months City Council and staff have developed the attached 2013 Budget. As required by State law and City Charter, staff formally presented Council with the proposed budget at the October 2, 2012 meeting.
- Ordinance 12-14 officially adopts the 2013 Budget and appropriates funding for the expenditures from the funds indicated. Ordinance 12-14 also adopts the 2013-2018 Pay Plan, the Capital Improvement Plan and sets the City's property tax mill levy at 9.631 mills.
- In accordance with Article X, Section 10.6 of the City Charter, a Public Hearing must be held on the 2012 Budget prior to adoption.
- II. **RECOMMENDED ACTION / NEXT STEP:** Hold a public hearing and make a motion to adopt Ordinance 12-14.
- III. **FISCAL IMPACTS:** Please see the attached 2013 Budget document which includes detailed financial information, specifically the Introduction and Budget Message.

- IV. **BACKGROUND INFORMATION:** While the 2013 budget is being presented as a final version, changes to the Budget can be made up until it is adopted upon second reading at the November 20th Council meeting.
- V. **LEGAL ISSUES:** The City will be meeting both the City Charter and statutory requirements by holding a Public Hearing and adopting the 2013 Budget by December 15, 2012.
- VI. **CONFLICTS OR ENVIRONMENTAL ISSUES:** None
- VII. **SUMMARY AND ALTERNATIVES:**
1. Hold a public hearing and make a motion to adopt Ordinance 12-
 2. Hold a public hearing and make a motion to adopt Ordinance 12-14 with amendments

**STATE OF COLORADO
CITY OF CENTRAL
ORDINANCE NO. 12-14**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTRAL
ADOPTING AND APPROPRIATING THE 2013 BUDGET,
ADOPTING THE 2013-2018 PAY PLAN,
ADOPTING THE CAPITAL IMPROVEMENT PLAN,
AND SETTING A PROPERTY TAX MILL LEVY.**

WHEREAS, the City Manager has submitted the proposed 2013 Budget pursuant to City Charter and Colorado law; and notice has been published and City Council has conducted a public hearing on the proposed 2013 Budget pursuant to City Charter and Colorado law; and

WHEREAS, there are sufficient revenues and fund balances to pay for the 2013 budgeted expenditures; and

WHEREAS, the City Charter, Section 10.6(d), specifies that adoption of the budget shall constitute appropriations of the amounts specified therein as expenditures from the funds indicated and shall constitute a levy of the property, sales, gaming and other taxes and fees therein proposed; and

WHEREAS, adoption of the 2013 Budget is necessary for the certification of the mill levy to Gilpin County for 2012 taxes, paid in 2013.

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

Section 1. The City of Central hereby adopts and appropriates the following 2013 budget expenditure amounts:

• General Fund	\$ 4,197,332
• Historical Preservation	\$ 400,300
• Debt Service	\$ 946,387
• <u>Water</u>	<u>\$ 736,041</u>
Total Appropriations	\$ 6,280,060

Section 2. The 2013-2018 Pay Plan included in the 2013 Budget document is adopted.

Section 3. The 2012 property tax mill levy shall remain at 9.631 mills.

Section 4. The Capital Improvement Plan included in the 2013 Budget document is adopted

Section 5. Severability. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause, or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 6. Effective Date. This Ordinance shall become effective immediately following publication, public hearing and the approval of City Council following second reading in accordance with Sections 5.9 and 5.10 of the City Charter.

INTRODUCED AND READ by title only on first reading at the regular meeting of the City Council of the City of Central on the 6th day of November, 2012, at Central City, Colorado.

CITY OF CENTRAL, COLORADO

Ron Engels, Mayor

Approved as to form:

Linda C. Michow, City Attorney

ATTEST:

Reba Bechtel, City Clerk

PASSED AND ADOPTED on second reading, at the regular meeting of the City Council of the City of Central on the 20th day of November, 2012.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel, City Clerk

POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY in the **Weekly Register Call** newspaper on November 6, 2012.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the **Weekly Register Call** newspaper on November 22, 2012.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel City Clerk



AGENDA ITEM #10

CITY COUNCIL COMMUNICATION FORM

FROM: Shannon Flowers, Finance Director

DATE: November 14, 2012

ITEM: Ordinance 12-15 An Ordinance Adopting Water Rates and Fees for Water Services.

NEXT STEP: Make a motion to adopt Ordinance 12-15 and hold a public hearing

ORDINANCE
 MOTION
 INFORMATION

- I. **REQUEST OR ISSUE:** In conjunction with the adoption of the 2013 Budget, the Water Rates as presented in the budget need to be adopted. With the completion of the residential meter installation project, the City will now be able to charge residents for water based off of actual usage. During a number of budget work sessions, Staff and Council developed tiered rate structures for both residential and commercial users that will serve two purposes; make the Water Fund self sufficient and address the issue of equitability between what user groups are charged and how much water they use.
- II. **RECOMMENDED ACTION / NEXT STEP:** Make a motion to adopt Ordinance 12-15 and hold a public hearing.
- III. **FISCAL IMPACTS:** Rates will be as shown below:

Residential

- Tier 1** Base Rate \$60 For up to 3,000 gallons used
- Tier 2** Base Rate \$60 + \$4.84 per thousand gallons used from 3,001 to 5,000
- Tier 3** Base Rate \$60 + \$5.81 per thousand gallons used from 5,001 to 7,000
- Tier 4** Base Rate \$60 + \$6.97 per thousand gallons used over 7,001

Residents who are aged sixty-five (65) or older and who resides in the water using unit will be eligible for the Senior Discount. The Senior Discount reduces the base rate charged to \$48 per month. The Senior Discount applies to the base rate only. Amounts for usage will be charged as shown above. Regardless of the amount of water used, the base rates of either \$60 or \$48 will be charged.

Commercial

- Tier 0** Base Rate of \$60 for those who use less than 10,000 gallons per month
- Tier 1** Base Rate of \$95 + \$7.26 per thousand gallons used from 10,001-15,000
- Tier 2** Base Rate of \$95 + \$10.89 per thousand gallons used from 15,001-20,000
- Tier 3** Base Rate of \$95 + \$13.61 per thousand gallons used from 20,001-30,000
- Tier 4** Base Rate of \$95 + \$14.97 per thousand gallons used from 30,001-50,000
- Tier 5** Base Rate of \$95 + \$16.47 per thousand gallons used over 50,000

Out-of-City

\$64 per thousand gallons-no change from current

- IV. **BACKGROUND INFORMATION:** As was discussed in the Budget Message, the Water Fund's self-sufficiency and the aged infrastructure of the system itself have been made major priorities by City Council. In 2011, the City began the process of correcting these financial and infrastructure deficiencies in several different ways. The first of those was to accept and approve a Five (5) year financial plan that makes the Water Fund self-supporting by the end of the fifth year. As part of this plan, water rates needed to be increased in each of those five years. 2012 was the second year in this plan.

In addition to increasing water rates to achieve a self-sufficient fund, Council also directed staff to institute the water meter program in which all commercial water meters were to be replaced and all residential units were to have a water meter installed. By installing meters on all residential units, the City will be able to institute a tiered rate billing structure that charges both businesses and residents for the water they actual use thereby creating equity in the system and proper revenue streams financially. All commercial meters within the City were replaced in 2011. At this time, nearly all residential meters have been installed and staff will have all of them completed by the close of 2012.

- V. **LEGAL ISSUES:** The City Attorney has reviewed this Ordinance and the City will be in compliance with the Charter by having two (2) readings and holding a public hearing upon second reading.
- VI. **CONFLICTS OR ENVIRONMENTAL ISSUES:** None

VII. SUMMARY AND ALTERNATIVES:

1. Hold a public hearing and Adopt Ordinance 12-15.
2. Hold a public hearing and adopt Ordinance 12-15 with amendments.

*Please note that any changes to the rates shown in the Ordinance will require changes to the 2013 Budget.

**STATE OF COLORADO
CITY OF CENTRAL, COLORADO
ORDINANCE NO. 12-15**

AN ORDINANCE ADOPTING WATER RATES AND FEES FOR WATER SERVICES

WHEREAS, Section 13-51 of the Central City Municipal Code provides that the City shall from time to time set and establish water rates at a level designed to cover the costs associated with the water system; and

WHEREAS, Section 12.3 of the Home Rule Charter requires that said water rates be approved by ordinance adopted by the City Council; and

WHEREAS, the City's current water rates for commercial and residential properties are insufficient to maintain, operate and improve the City's water system; and

WHEREAS, by the end of 2012 the City will have completed installing meters on all residential properties thereby allowing residential billing to go from flat rate to a tiered rate usage structure; and

WHEREAS, the City has established new tiered rate structures for both residential and commercial water users that are expected to cover the expenses for the proper operation and maintenance of the Central City water system; and

WHEREAS, the new tiered structures are also meant to help make the billing among residential and commercial water users more equitable with water usage among these groups; and

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

Section 1. The water rates and fees for water using units and water using properties shall be as follows:

- A. **Commercial Usage:** Water using units and water using properties operated by a person with the intent to carry on or take part in business, trade, occupation, vocation or calling of any kind, for profit, but not including home occupation or home business shall be charged the following:

Tier 0 Base Rate of \$60 for those who use less than 10,000 gallons per month

Tier 1 Base Rate of \$95 + \$7.26 per thousand gallons used from 10,001-15,000

Tier 2 Base Rate of \$95 + \$10.89 per thousand gallons used from 15,001-20,000

Tier 3 Base Rate of \$95 + \$13.61 per thousand gallons used from 20,001-30,000

Tier 4 Base Rate of \$95 + \$14.97 per thousand gallons used from 30,001-50,000

Tier 5 Base Rate of \$95 + \$16.47 per thousand gallons used over 50,000

- B. Residential Usage: All water using units and water using properties, which are not included within commercial usage shall be charged the following:

Tier 1 Base Rate \$60 For up to 3,000 gallons used

Tier 2 Base Rate \$60 + \$4.84 per thousand gallons used from 3,001 to 5,000

Tier 3 Base Rate \$60 + \$5.81 per thousand gallons used from 5,001 to 7,000

Tier 4 Base Rate \$60 + 6.97 per thousand gallons used above 7,001

EXCEPTION: Any Owner-occupant of a residential unit who is Sixty Five (65) years of age or older and who resides in the water using unit shall be charged a base rate of \$48.00 dollars per month; provided said Owner-occupant has first filed a written application and proof of said requirements of age and residence with the Finance Department of the City of Central. Charges for water usage above the base rate will be applied as above.

- C. Purchase of Water for Use Outside the City of Central: Water purchased for use outside the corporate limits of the City of Central shall pay Fifty Four Dollars (\$64.00) per One Thousand (1,000) gallons in advance of delivery.

Section 2. Repealer. Existing ordinances, parts of ordinances, or resolutions which are inconsistent or conflict with the provisions of this Ordinance are hereby repealed.

Section 3. Severability. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 4. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Central City, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

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

INTRODUCED AND READ by title only on first reading at the regular meeting of the City Council of the City of Central on the 6th day of November, 2012, at Central City, Colorado.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

Approved as to form:

Linda C. Michow, City Attorney

ATTEST:

Reba Bechtel, City Clerk

PASSED AND ADOPTED on second reading, at the regular meeting of the City Council of the City of Central on the 20th day of November, 2012.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel, City Clerk

POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY in the Weekly Register Call newspaper on November 6, 2012.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on November 22, 2012.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel City Clerk



AGENDA ITEM # 11

CITY COUNCIL COMMUNICATION FORM

TO: Mayor Engels and Members of City Council
FROM: Marcus McAskin, Assistant City Attorney
DATE: November 20, 2012
ITEM: Resolution No. 12-15

ORDINANCE
 MOTION / RESOLUTION
 INFORMATION

- I. **REQUEST OR ISSUE:** Beginning January 1, 2013, the Central City Business Improvement District (the "CCBID") will assume operational responsibility for the shuttle service. Currently, the City provides the shuttle service pursuant to that certain agreement for the operation of a transportation shuttle service dated December 21, 2010, by and between the City and Colorado Coach Transportation, LLC (the "Agreement"). In order to document the transfer of operational responsibility from the City to the CCBID, the parties have prepared an assignment.
- II. **RECOMMENDED ACTION / NEXT STEP:** The proposed assignment for the operation of a transportation shuttle service (the "Assignment") is attached to the proposed Resolution as **Exhibit A**. City Council may approve the Assignment to memorialize the terms under which the Agreement will be assigned to the CCBID effective January 1, 2013.
- III. **FISCAL IMPACTS:** The CCBID and Colorado Coach Transportation, LLC will enter into a new stand alone agreement effective January 1, 2013, which new agreement will replace and supersede the Agreement in its entirety. The City will continue to fund operation of the shuttle service through funds generated by the transportation device fee and other available revenues. There are no substantive fiscal impacts associated with approval of the Assignment.

- IV. **BACKGROUND INFORMATION:** See I., Request or Issue, above.
- V. **LEGAL ISSUES:** None.
- 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.

**CITY OF CENTRAL, COLORADO
RESOLUTION NO. 12-15**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CENTRAL,
COLORADO APPROVING THE ASSIGNMENT OF AGREEMENT FOR THE
OPERATION OF A TRANSPORTATION SHUTTLE SERVICE**

WHEREAS, the City and Colorado Coach Transportation, LLC (the "Contractor") entered into that certain agreement for the operation of a transportation shuttle service dated December 21, 2010 (the "Agreement"); and

WHEREAS, the Agreement was amended by that certain First Amendment dated as of December 20, 2011, and by that certain Second Amendment dated as of February 9, 2012; and

WHEREAS, the First Amendment to the Agreement specifically contemplated the assignment of the Agreement by the City to the Central City Business Improvement District (the "CCBID"); and

WHEREAS, the City desires to assign the Agreement to the CCBID; and

WHEREAS, as set forth in the Assignment, the Contractor will continue to perform the transportation shuttle services in calendar year 2013 pursuant to and in accordance with that certain agreement by and between the Contractor and the CCBID having an effective date of January 1, 2013, a copy of which is attached to the Assignment as **Exhibit 1**, which agreement is intended to amend, supersede and replace the Agreement in its entirety.

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

Section 1. The City Council hereby approves the Assignment attached to this Resolution as **Exhibit A**, authorizes the City Manager, in consultation with 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 Assignment on behalf of the City.

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

ADOPTED THIS 20th DAY OF NOVEMBER, 2012.

CITY OF CENTRAL, COLORADO

By: _____
Ronald E. Engels, Mayor

ATTEST:

By: _____
Reba Bechtel City Clerk

APPROVED TO FORM:

By: _____
Linda C. Michow, City Attorney

EXHIBIT A
ASSIGNMENT

**AGREEMENT BY AND BETWEEN THE CENTRAL CITY BUSINESS
IMPROVEMENT DISTRICT AND COLORADO COACH TRANSPORTATION, LLC
FOR THE OPERATION OF A TRANSPORTATION SHUTTLE SERVICE**

This Agreement is entered into this ___ day of _____, 2012 by and between the CENTRAL CITY BUSINESS IMPROVEMENT DISTRICT, a quasi-municipal corporation and political subdivision of the State of Colorado (“CCBID”), and COLORADO COACH TRANSPORTATION, LLC, a Colorado limited liability company, having a principal office address of 2080 Pearl Howlett Road, Longmont, Colorado 80504 (the “Contractor”).

WHEREAS, the Contractor and the City of Central (“City”) entered into that Agreement for the Operation of a Transportation Shuttle Service dated December 21, 2010, including a First Amendment and Second Amendment (the “City Agreement”), whereby the City contracted with the Contractor to operate a transportation shuttle system through December 31, 2012; and

WHEREAS, the City, Contractor, and CCBID have entered into that Assignment of Agreement for the Operation of a Transportation Shuttle Service effective January 1, 2013 whereby the City and the Contractor agree to CCBID assuming the City’s role as the contracting party for the transportation shuttle system; and

WHEREAS, the CCBID desires to contract with the Contractor to operate a transportation shuttle system; and

WHEREAS, the operation of a transportation shuttle system is authorized by the CCBID’s operating plan, as submitted to and approved by the City; and

WHEREAS, the Contractor has the technical expertise necessary to manage and operate the transportation shuttle system.

NOW THEREFORE, in consideration for the mutual promises herein, the parties agree as follows:

1. Term / Termination.

1.1. Term. This Agreement shall commence on January 1, 2013 and shall remain in effect for a twelve (12) month period, ending December 31, 2013, unless sooner terminated as set forth below. The CCBID and the Contractor may agree to extend this Agreement for five (5) additional one (1) year periods with each extension to be exercised on an annual basis at the discretion of the CCBID and the Contractor. The CCBID and the Contractor will annually renegotiate the cost of these services. Failure to achieve cost reconciliation in any given year will result in termination of the Agreement.

1.2. Termination. Either party hereto has the right to terminate this Agreement at any time, with or without cause, and without further liability, upon ninety (90) days prior written notice to the other party. The CCBID may also terminate the Agreement, upon ten (10) days

prior notice, if the funding provided by the City is for the services furnished hereunder is not available due to any budget constraint of the City.

2. Scope of Work.

In accordance with federal and state law, and the standards set forth herein, the Contractor shall provide transportation services benefitting the property owners located within the CCBID and the general public.

2.1. Scope. Contractor's Scope of Work shall be referred to as "**Exhibit A**," which is attached hereto and by this reference incorporated herein. The services described in **Exhibit A**, together with the terms set forth in this Agreement, shall constitute all of the work to be provided by Contractor under the terms of this Agreement and shall be hereinafter referred to as the "Services". Contractor and the CCBID specifically contemplate that Contractor shall strictly abide by the terms and conditions set forth in **Exhibit A**.

2.2. General Public. In accordance with the work set forth in **Exhibit A**, Services shall be available to the general public. The Services may be operated on a modified fixed route with checkpoint deviation to provide equivalent service as required under the Americans with Disabilities Act of 1990 ("ADA").

2.3. Compliance Requirements. Contractor will provide Services subject to the requirements of the ADA and the drug and alcohol program requirements of 49 C.F.R. Parts 40 and 655.

3. Compensation.

3.1. Rates. The rates for the term of this Agreement are based on the monthly, flat rates provided by the Contractor and accepted by the CCBID as shown in **Exhibit B**.

3.2. Invoices. Contractor shall invoice the CCBID on a monthly basis for the Services provided. Contractor shall submit invoices to the CCBID by the 5th day of the month for the previous month's service (the "Submittal Deadline"). The Contractor shall also submit a copy of all invoices to the City. Invoices submitted after the Submittal Deadline may not be processed until the following month or may result in delayed payments to the Contractor.

3.3. Payment Terms. The CCBID shall pay Contractor within thirty (30) days of receipt of Contractor's invoice. The Contractor acknowledges and agrees that the City may pay Contractor's invoices directly, as contemplated in an intergovernmental agreement by and between the City and the CCBID. The Contractor specifically agrees to accept payment directly from the City during the term of this Agreement.

3.3.1. Disputed Invoices. In the event the CCBID or the City disputes any portion of Contractor's invoice, the CCBID or the City shall notify Contractor in writing within fourteen (14) days of receipt of Contractor's invoice. The CCBID or the City shall

pay the undisputed portion of the invoice within thirty (30) days of receipt of Contractor's invoice.

3.3.2. Dispute Resolution. Contractor and the CCBID shall meet within fourteen (14) days of Contractor's receipt of the CCBID's notice of disputed invoice to negotiate a resolution to the dispute.

4. Service Requirements.

4.1. Reporting. Contractor shall report to the CCBID monthly the following statistics: total hours; total miles; accidents; threatened litigation or claims; and number of passengers transported on a daily basis (the "Monthly Report").

4.2. Fares. It is currently contemplated by the CCBID that the Service shall be operated free of charge to the public using such Service. Contractor shall not collect any money or fare from passengers, unless specifically authorized in writing by the CCBID.

4.3. Changes in Service. Upon the CCBID's reasonable request and advance written notice of no less than two (2) weeks, Contractor shall make modification to routes and schedules, subject to a corresponding increase or decrease in compensation as determined by the Parties.

4.4. Driver Documents and Inspection. Contractor will have on file and to the extent permitted by law shall, upon request, make available to the CCBID the following documentation for each driver retained to perform services under this Agreement:

4.4.1. Proof of valid driver's license;

4.4.2. Current Department of Motor vehicle record report; and

4.4.3. Audit testing record to verify compliance with FTA Drug and Alcohol Testing.

5. Accident and Incident Reporting.

5.1. Reporting Accidents and Incidents. Contractor shall report all accidents and incidents involving or resulting from its Services by providing the CCBID, a copy of the incident/accident report(s) submitted by drivers to Contractor, or through other mutually acceptable forms. Contractor shall require any driver involved in any incident or accident while engaged in the Services to provide a report of such incident or accident to Contractor. For purposes of this Agreement, "accident" means vehicle damage (excluding purely mechanical failure) that requires towing from the scene, and/or damage resulting in law enforcement agencies responding to the scene. For purposes of this Agreement, "incident" refers to injuries to and/or complaints from passengers or others related to the Services, whether in connection with an accident or not.

5.2. Law Enforcement Reports from Contractor. Contractor shall request a copy of any incident or accident report arising from the Services that are prepared by law enforcement officers. Contractor shall promptly provide the CCBID with a copy of all reports regarding Contractor's incidents or accidents in which a vehicle is involved. Such reports shall be submitted to the CCBID within twenty-four (24) hours of Contractor's receipt of the report.

5.3. Contractor Internal Reports. Copies of incident and accident reports involving vehicles, drivers, and/or passengers arising from the Services, prepared by the Contractor, shall be provided to the CCBID within twenty-four (24) hours of Contractor's preparation or receipt of the report.

6. Liability and Indemnification.

6.1. Intent. It is not the intent of either party to incur liability for the negligent operations, acts, or omissions of the other party or its agents or employees. Rather, as set forth hereinafter, each of the parties hereto assumes full responsibility for the negligent operations, acts, and omissions of its own employees, agents, contractors, and licensees, and each party hereto shall be indemnified, defended and held harmless only against the negligent operation, acts, and omissions of the employees, agents or contractors of the other party. Nothing herein shall be construed as a waiver of the limitations and protections afforded the CCBID by the Colorado Governmental Immunity Act.

6.2. Contractor. Contractor agrees and acknowledges that it is responsible for any and all liabilities, obligations, damages, penalties, claims, costs and expenses, including, without limitation, reasonable attorney's fees, paid or incurred as the result of or in connection with (i) any breach by Contractor, its agents, subcontractors, employees, or licensees, of any term, covenant or condition of this Agreement, or (ii) the carelessness, negligence, recklessness, or intentional acts or omissions of Contractor, its agents, subcontractors, employees, or licensees. To the full extent allowed by law, if any action or proceeding is brought against CCBID, by reason of any such claim, upon written notice from the CCBID, Contractor shall, at its own expense, indemnify, defend and hold CCBID harmless against such claims, demands, actions or proceedings with counsel approved by the CCBID in writing, and Contractor shall indemnify and hold CCBID harmless from and against any such settlement, award, or judgment resulting therefrom.

6.3. City Agreement. The CCBID shall have no responsibility or liability for services performed under or compensation payable pursuant to the City Agreement. The Contractor releases and indemnifies the CCBID for any claims asserted against the CCBID arising under or out of the City Agreement.

7. Insurance.

7.1. Forms and Amounts. Contractor shall carry insurance, and provide written proof thereof to the CCBID, in the following minimum amounts:

7.1.1. Workers' Compensation. Contractor shall provide workers' compensation insurance or shall undertake a program of self-insurance pursuant to the laws of the State of Colorado.

7.1.2. Comprehensive General Liability. Contractor shall maintain coverage of not less than One Million Dollars (\$1,000,000.00) per occurrence for personal injury and property damage liability. Such liability shall contain provision insuring the contractual liability.

7.1.3. Automobile. Contractor shall maintain a Comprehensive Automobile Insurance Policy written on an occurrence basis, in a form and substance reasonably acceptable to the CCBID. The Comprehensive Automobile Insurance Policy must provide coverage for all owned, hired, rented and non-owned automobiles. The Comprehensive Automobile Insurance Policy must be written with a combined single limit of liability for not less than One Million Dollars (\$1,000,000.00) for each occurrence of bodily injury and/or property damage.

7.2. Additional Insured. All Contractors' insurance policies required or provided for by this Agreement shall name the CCBID, its Board members, and its employees as additional insureds.

7.3. Primary. The insurance policies required by the terms of this Agreement shall be primary in relation to any other insurance that may apply, for Services performed by or on behalf of Contractor.

7.4. Cancellation & Notice. Should any of the above-described policies be canceled before the expiration date thereof, the issuing company shall so notify the CCBID in writing at least thirty (30) days in advance of such cancellation or expiration. The certificates of insurance for the above-described policies shall include at least a thirty (30) day notice of cancellation clause.

8. Additional Terms and Conditions.

8.1. Limitation of Funding. Service is contingent upon funds being made available to CCBID by the City from the collection of certain gaming device fees and then appropriated by the City and CCBID at their sole discretion. In the event that funding is eliminated or decreased by the City at any time, the CCBID shall have the right to terminate this Agreement upon ten (10) days notice or to negotiate an amendment of this Agreement in accordance with the terms hereof.

8.2. Independent Contractor. In performing under this Agreement, Contractor shall act at all times as an independent contractor. Nothing contained in this Agreement shall be construed or applied to create the relationship of principal and agent, or of employer and employee, between Contractor and the CCBID. Employees of Contractor shall not under any circumstances be considered employees of the CCBID.

8.3. Subcontracts. Contractor shall not enter into subcontracts for the performance of the duties and responsibilities of the Contractor identified in **Exhibit A** without the prior written consent of the CCBID.

8.4. Assignment of Interests. Neither this Agreement nor any interest herein shall be assigned or transferred by Contractor without authorization in writing by the CCBID. Such consent shall not release Contractor from its liability for the performance of the obligations of this Agreement, unless otherwise specifically agreed in writing.

8.5 Force Majeure. Either party shall be excused from performing its obligations under this Agreement during the time and to the extent that it is prevented from performing by a cause beyond its control, including, but not limited to: any incident of fire, flood, or strike; acts of God; acts of the federal or state Government; war or civil disorder; violence or the threat thereof; commandeering of material, products, plants, or facility by the Federal or state government; or national or local fuel shortage. Performance shall be excused when satisfactory evidence of such cause is presented to the other party, and provided further that such nonperformance is beyond the reasonable control of, and is not due to the fault or negligence of the party not performing.

8.6. Audit. The records, books, documents, data, and accounting and operating procedures as related specifically to the performance of this Agreement are subject to audit and examination by the CCBID and its representatives, the City, the U.S. Department of Transportation, the Comptroller General of the United States, and the State of Colorado for three (3) years from the date of final payment under this Agreement. Such audit shall be conducted after reasonable notice to Contractor and at Contractor's account center in Colorado where such records shall be maintained.

8.7. Severability. If any provision of this Agreement is declared or determined to be unlawful, invalid or unconstitutional, such declaration shall not affect, in any manner, the legality of the remaining provisions of the Agreement; and each provision of the Agreement shall be and is deemed to be separate and severable from each other provision.

8.8. Modification. Any provision of this Agreement may be modified, changed, altered or deleted upon written agreement between the CCBID and Contractor.

8.9. Disputes. Disputes arising out of this Agreement between the CCBID and/or Contractor shall first be taken to the chief executive officers of the parties to this Agreement for the purpose of attempting in good faith to resolve the dispute. If the parties are not able to resolve the dispute, they shall each have the right to pursue all remedies permitted by law. In the event either party retains the services of an attorney to enforce any of the provisions of this Agreement, the prevailing party shall be entitled to recover its reasonable attorney's fees, costs and expenses.

8.10. Jurisdiction and Venue. This Agreement and all documents associated with this Agreement shall be construed and interpreted in accordance with the law of the State of Colorado. The CCBID and Contractor hereby consent and submit to the exclusive jurisdiction of

the Gilpin County District Court of the State of Colorado for adjudication of any suit, right or cause of action arising under or in connection with this Agreement.

8.11. Notices. Any notices required to be given pursuant to the terms and provisions of this Agreement shall be in writing and may be either personally delivered or sent by registered or certified mail in the United States Postal Service, Return Receipt Requested, postage prepaid, addressed to each party at the addresses which follow or to such other addresses as the parties may hereinafter designate in writing:

CCBID: Central City Business Improvement District
Attn: _____

cc: Collins, Cockrel & Cole
Attn: Paul Cockrel
390 Union Boulevard, Suite 400
Lakewood, CO 80228

Contractor: Colorado Coach Transportation, LLC
2080 Pearl Howlett Road
Longmont, CO 80504

cc: Charles Kimball
Kimball & Nespor, P.C.
5400 Ward Road, Building III, Suite 150
Arvada, CO 80002

Any such notice shall be deemed to have been given, if mailed as provided herein, as of the date mailed.

8.12 Illegal Alien Workers. Contractor shall not knowingly employ or contract with an illegal alien to perform work under the Agreement or contract with a subcontractor who knowingly employs or contracts with an illegal alien to perform work under the Agreement. Execution of this Agreement by Contractor shall constitute a certification by Contractor that it does not knowingly employ or contract with any illegal alien and that Contractor has participated or attempted to participate in the Basic Pilot Employment Verification Program administered by the United States Department of Homeland Security, (“Basic Pilot Program”) in order to confirm the employment eligibility of all employees who are newly hired for employment in the United States.

8.12.1. Contractor shall:

8.12.1.1. Confirm or attempt to confirm the employment eligibility of all employees who are newly hired for employment in the United States through participation in the Basic Pilot Program. Contractor shall apply to participate in the Basic Pilot Program every three (3) months until all Contractor requirements

under this Agreement are completed or until Contractor is accepted into the Basic Pilot Program, whichever occurs earlier.

8.12.1.2. Not utilize the Basic Pilot Program procedures to independently undertake pre-employment screening of job applicants.

8.12.1.3. Require any subcontractor to certify that the subcontractor will not knowingly employ or contract with an illegal alien to perform work under the Agreement. If Contractor obtains actual knowledge that a subcontractor performing work under the Agreement knowingly employs or contracts with an illegal alien, Contractor shall:

8.12.1.3.1. Notify the subcontractor and the CCBID within three (3) days that Contractor has actual knowledge that the subcontractor is employing or contracting with an illegal alien; and

8.12.1.3.2. Terminate the subcontract with the subcontractor if within three (3) days of receiving notice from Contractor, the subcontractor does not stop employing or contracting with the illegal alien; except that Contractor shall not terminate the contract with the subcontractor if during such three (3) days the subcontractor provides information to establish that the subcontractor has not knowingly employed or contracted with an illegal alien.

8.12.1.4. Comply with any reasonable request by the Department of Labor and Employment (“Department”) made in the course of an investigation by the Department.

8.12.2. If Contractor violates any provision of this Section, the CCBID may terminate the Agreement immediately, Contractor shall be liable to the CCBID for the CCBID’s actual and consequential damages resulting from such termination, and the CCBID shall report such violation by Contractor to the Colorado Secretary of State as required by law.

IN WITNESS WHEREOF, the CCBID and Contractor have caused this Agreement to be executed by their respective officers duly authorized to do so.

CENTRAL CITY BUSINESS IMPROVEMENT DISTRICT

By: _____
President

EXHIBIT A
SCOPE OF WORK

1. DAYS/HOURS OF SERVICE. Passengers will be picked up at points designated by the City according to the following schedule:

10 a.m. to 12 a.m., Sundays through Thursdays; and 10 a.m. to 2 a.m., Fridays and Saturdays.

Contractor and its drivers shall not interfere with Black Hawk buses arriving or departing at designated bus stops in Black Hawk.

2. SERVICE AREA. Central City and Black Hawk according to the attached map, attached hereto as **Exhibit A-1**, as may be amended by the Parties.
3. INCLEMENT WEATHER. In the event that weather conditions are such that service must be suspended temporarily to ensure the safety of the passengers and drivers, the Contractor shall immediately contact the CCBID Manager or designee. Contractor shall make best efforts to notify casino management and passengers of weather related delays to the service.
4. COMPLAINTS. The Contractor shall make written record of all written complaints from passengers and other relating to the Service provided herein. Contractor shall investigate all complaints and, within fourteen (14) days following actual receipt of a complaint, provide a written response to the person making the complaint and shall provide a copy of the complaint and the response to City.
5. DRIVERS. Contractor shall employ drivers duly licensed by the State of Colorado to transport the passengers provided for under this Agreement. Contractor shall use three (3) drivers on a daily basis with available back-up assistance as deemed necessary by the Contractor.
 - Contractor shall train all drivers in accordance with Contractor's training program for drivers providing similar transit services.
 - All drivers will be trained in accordance with the federal laws and the laws of the State of Colorado.
 - Contractor shall comply with drug and alcohol screening requirements of all employees in safety sensitive positions in compliance with federal law.
 - All drivers shall wear a uniform issued by the Contractor at all times while in service, and shall, at all times when visible to bus passengers, be neatly groomed and dressed.

- The Contractor shall have the exclusive right to hire, train and terminate drivers and other Contractor personnel. The CCBID shall have the option to request the Contractor assign drivers to other contract service based on the need to maintain customer service levels consistent with a resort community.
 - Drivers shall be trained in and practice appropriate radio communications.
 - Upon request of the CCBID, Contractor will provide the CCBID with a summary of driver training.
6. VEHICLES. Contractor will supply two buses licensed in the State of Colorado, both of which will have lift equipment that is ADA accessible. Both vehicles will carry a minimum of fourteen (14) passengers plus wheel chair capacity.
- Contractor shall not materially alter the appearance of the buses.
 - Contractor shall ensure the buses it operates are neat, clean and properly maintained to assure the safety and comfort of all passengers.
7. MAINTENANCE. The Contractor shall provide all maintenance and repair of the buses; provided, however, that the CCBID shall wrap the buses with identifying information of the shuttle service, at CCBID's cost.
8. FUEL. The City of Central shall supply fuel for the buses and submit invoices to Contractor for repayment.
9. STORAGE OF BUSES. Contractor shall provide parking facilities for the buses.
10. QUALITY STANDARDS. In addition to all other federal state and local transit agency requirements, the following quality standards shall apply to the Contractor:
- Contractor will provide prompt and timely service in accordance with the schedule in the Agreement.
 - Contractor drivers will be courteous and respectful to all passengers at all times.
 - Contractor drivers shall contact the local law enforcement agency rather than deal directly with a disruptive passenger.
 - Contractor drivers shall obey all traffic laws of the State of Colorado, Gilpin County and Cities of Black Hawk and Central.

11. LICENSES AND PERMITS. During the term of this agreement, Contractor shall obtain all necessary licenses and permits required to operate a public transit service. If the Contractor is required to pay any fees associated with a license or permit, other than the PUC approval, Contractor and the CCBID shall negotiate in good faith regarding compensation. All Contractor drivers shall obtain and maintain a current Commercial Driver's License with passenger endorsement.

**EXHIBIT A-1
SERVICE AREA MAP**

**EXHIBIT B
CONTRACTOR COMPENSATION**

- 1 bus 14 passenger or higher
- ADA bus available
- Operates 16 hours daily
- Round trip route time is 30 minutes

Total Daily Cost \$1,104.22

Daily Cost \$1,104.22 x 365 days = \$403,040.30



AGENDA ITEM # 12

CITY COUNCIL COMMUNICATION FORM

TO: Mayor Engels and Members of City Council
FROM: Marcus McAskin, Assistant City Attorney
DATE: November 20, 2012
ITEM: Resolution No. 12-16

ORDINANCE
 MOTION / RESOLUTION
 INFORMATION

- I. **REQUEST OR ISSUE:** Via Ordinance 12-12, the City Council has extended the \$5.00 per month per gaming device fee (the "Marketing Fee") for calendar year 2013. The City's existing intergovernmental agreement with the Central City Business Improvement District (the "CCBID") dated April 20, 2012 (the "IGA") must be amended in order to reflect the extension of the Marketing Fee and to establish the terms and conditions under which the CCBID will use the funds generated by the Marketing Fee in 2013 to accomplish the joint advertising and marketing goals of the City and the CCBID.
- II. **RECOMMENDED ACTION / NEXT STEP:** The proposed First Amendment to the IGA (the "First Amendment") is attached to the proposed Resolution as **Exhibit 1**. City Council may approve the First Amendment to memorialize the terms under which the CCBID will utilize the funds generated by the Marketing Fee in 2013.
- III. **FISCAL IMPACTS:** The City implemented the Marketing Fee in 2011 (for collection and use in 2012); there are no fiscal impacts with the Council's extension of the Marketing Fee for 2013 or with the approval of the First Amendment.
- IV. **BACKGROUND INFORMATION:** See I., Request or Issue, above.
- V. **LEGAL ISSUES:** As set forth above, the IGA is dated April 20, 2012. The IGA is

scheduled to terminate on December 31, 2012 and Paragraph 4.C. of the IGA requires that any amendment to the IGA be set forth in writing and executed by both the City and the CCBID.

Substantive provisions of the First Amendment include:

- Marketing Fee revenues may only be used by the CCBID for costs and expenses associated with implementing the 2013 Marketing Plan or other costs and expenses approved by the City Manager in writing;
- Acknowledgment that the City's existing Shuttle Service Agreement (with Colorado Coach Transportation, LLC) will be assigned to the CCBID but that a portion of the funds generated by the City's existing transportation device fee (of \$22.08 per device per month) will continue to be used to fund the operation of the shuttle service; and
- The term of the First Amendment runs through December 31, 2013, and that any extension of the Marketing Fee must be extended through future legislative action of City Council.

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.

**CITY OF CENTRAL, COLORADO
RESOLUTION NO. 12-16**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CENTRAL,
COLORADO APPROVING THE FIRST AMENDMENT TO INTERGOVERNMENTAL
AGREEMENT BY AND BETWEEN THE CITY OF CENTRAL AND THE CENTRAL
CITY BUSINESS IMPROVEMENT DISTRICT**

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

WHEREAS, following the City Council's adoption of Ordinance 11-16, the City and the Central City Business Improvement District (the "CCBID") entered into that certain Intergovernmental Agreement dated April 20, 2012 related to the funding of certain of the costs related to the CCBID's 2012 Marketing Plan (the "IGA"); and

WHEREAS, pursuant to Ordinance 11-16 (the "Prior Ordinance"), the City authorized a one year increase in its device fee of \$5.00 per gaming device for each calendar month (the "Marketing Fee") in order to assist with the funding of the CCBID's marketing and advertising efforts; and

WHEREAS, the Prior Ordinance contemplated that the Marketing Fee could be extended by legislative action of City Council; and

WHEREAS, the City Council has, through Ordinance 12-12 dated November 20, 2012, extended the Marketing Fee for calendar year 2013; and

WHEREAS, the City Council desires to authorize an amendment to the IGA in order to establish the terms and conditions by which the revenues collected by the City from the Marketing Fee will be remitted to the CCBID, and to memorialize the continuing joint advertising and marketing efforts of the City and the CCBID; and

WHEREAS, the City desires to extend the term of the IGA through December 31, 2013; and

WHEREAS, the CCBID desires to continue to provide certain advertising and marketing services during calendar year 2013 in accordance with the terms and conditions of the First Amendment to the IGA, a copy of which is attached to this Resolution and is incorporated herein by reference (the "First Amendment").

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

Section 1. The City Council hereby approves the First Amendment attached to this Resolution as **Exhibit 1**, authorizes the City Manager, in consultation with 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 First Amendment on behalf of the City.

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

ADOPTED THIS 20th DAY OF NOVEMBER, 2012.

CITY OF CENTRAL, COLORADO

By: _____
Ronald E. Engels, Mayor

ATTEST:

APPROVED TO FORM:

By: _____
Reba Bechtel City Clerk

By: _____
Linda C. Michow, City Attorney

EXHIBIT 1

FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT

**FIRST AMENDMENT TO:
INTERGOVERNMENTAL AGREEMENT
BY AND BETWEEN THE CITY OF CENTRAL AND THE
CENTRAL CITY BUSINESS IMPROVEMENT DISTRICT**

THIS FIRST AMENDMENT TO INTERGOVERNMENTAL AGREEMENT (“Amendment”) is made and effective as of the 1st day of January, 2013, (the “Effective Date”) by and between **THE CITY OF CENTRAL**, a home rule municipal corporation (the “City”) and the **CENTRAL CITY BUSINESS IMPROVEMENT DISTRICT**, a quasi-municipal corporation and political subdivision of the State of Colorado (“CCBID”), collectively referred to herein as the “Parties.”

RECITALS

WHEREAS, the Parties entered that certain Intergovernmental Agreement dated April 20, 2012 related to the funding of certain of the costs related to the CCBID’s 2012 Marketing Plan (the “Agreement”); and

WHEREAS, the Agreement is scheduled to terminate on December 31, 2012; and

WHEREAS, Paragraph 4.C. of the Agreement requires that any amendment to the Agreement be set forth in a writing duly authorized and executed by the Parties; and

WHEREAS, pursuant to Ordinance No. 11-16, enacted by the City in December of 2011 (the “Prior Ordinance”), the City authorized a one year increase in its device fee of \$5.00 per gaming device for each calendar month (the “Marketing Fee”) in order to assist with the funding of the CCBID’s marketing and advertising efforts; and

WHEREAS, the Prior Ordinance contemplated that the Marketing Fee could be extended by legislative action of City Council; and

WHEREAS, pursuant to Ordinance No. 12-12, adopted by the City Council on November 20, 2012 (the “Ordinance”), the City Council has extended the Marketing Fee for calendar year 2013; and

WHEREAS, the Parties desire to enter into this Amendment to establish the terms and conditions by which the revenues collected by the City from the Marketing Fee will be remitted to the CCBID and to memorialize the continuing joint advertising and marketing efforts of the Parties; and

WHEREAS, the City currently imposes and collects a monthly gaming device fee in the amount of \$22.08 per month (the “Transportation Fee”) to fund transportation services and improvements for the City; and

WHEREAS, the Parties further desire to enter into this Amendment to memorialize the City's and the CCBID's respective obligations regarding the operational and funding responsibilities of the City and the CCBID related to the provision of shuttle services by Colorado Coach Transportation, LLC (the "Shuttle Operator"); and

WHEREAS, on or about December 21, 2012, the City and the Shuttle Operator entered into an agreement for the operation of a transportation shuttle service (the "Shuttle Service Agreement"); and

WHEREAS, the City, CCBID and Shuttle Operator have agreed upon the form of an agreement assigning the Shuttle Service Agreement to the CCBID effective as of January 1, 2013; and

WHEREAS, it is the CCBID's current intent that the Shuttle Operator will continue to perform the transportation shuttle services (the "Shuttle Services") in calendar year 2013, pursuant to and in accordance with that certain agreement by and between the Contractor and the CCBID having an effective date as of January 1, 2013 (the "CCBID – Shuttle Operator Agreement").

NOW THEREFORE, in consideration of the mutual covenants and agreements hereinafter set forth, the sufficiency of which is hereby acknowledged, the Parties do hereby agree as follows:

COVENANTS AND AGREEMENTS

1. Scope of Amendment.

A. CCBID Marketing and Advertising Plan. In 2013, the CCBID shall undertake the advertising and marketing plan and services detailed in **EXHIBIT A** attached hereto and incorporated herein by reference (the "2013 CCBID Marketing Plan").

B. City to Fund Portion of CCBID Marketing Plan. The City shall endeavor to remit all revenues collected from the Marketing Fee to the CCBID within thirty (30) days following the receipt of the same in order to fund those certain services and activities detailed in the 2013 CCBID Marketing Plan. The Parties acknowledge and agree that based upon the total number of gaming devices within the City as of the Effective Date of this Amendment, which number of gaming devices is subject to change based on market conditions beyond the City's control, the Marketing Fee is expected to generate approximately One Hundred Forty Thousand Dollars (\$140,000) in revenue to the City during calendar year 2013. The Marketing Fee revenues remitted by the City to the CCBID during the term of this Amendment shall be used by the CCBID: (1) only for costs and expenses directly associated with implementing the 2013 CCBID Marketing Plan attached to this Agreement as **EXHIBIT A**; or (2) costs and expenses authorized by the City Manager in writing that are consistent with the intent and purpose of the CCBID Marketing Plan.

C. Assignment of Shuttle Service Agreement. The Shuttle Service Agreement and all rights and responsibilities for the Shuttle Services to be provided thereunder after the effective date of such assignment, but not prior thereto, shall be assigned to the CCBID in accordance with that certain Assignment of Agreement for the Operation of a Transportation Shuttle Service by and between the City, CCBID and the Shuttle Operator, and having an effective date as of January 1, 2013 (the "Assignment"). For the term of the CCBID – Shuttle Operator Agreement, the CCBID shall forward copies of the Shuttle Operator's invoices to the City's Finance Director within five (5) business days of receipt, and the City shall remit all funds collected from the Transportation Fees or other available revenues of the City to pay the amount of the invoice provided to CCBID directly to the Shuttle Operator within ten (10) business days of receipt of the invoice, unless otherwise notified by CCBID in writing, in order that CCBID may fully timely satisfy its obligations to the Shuttle Operator under the Assignment and the CCBID – Shuttle Operator Agreement.

- i. Disputed Invoices. In the event the City disputes any portion of the Shuttle Operator's invoice, the City shall notify the CCBID and the Shuttle Operator in writing within fourteen (14) days of receipt of the Shuttle Operator's invoice from the CCBID, and the CCBID shall thereafter notify the Shuttle Operator of such dispute in accordance with the controlling provisions of the CCBID- Shuttle Operator Agreement.
- ii. Dispute Resolution. If requested in writing by the City's Finance Director or City Manager, the CCBID and the Shuttle Operator shall meet in order to negotiate a resolution to any pending payment dispute between the CCBID and the Shuttle Operator. The City Finance Director or City Manager, or his or her designee, shall be authorized to attend the meeting.
- iii. Prior Shuttle Services. CCBID shall have no responsibility for or liability arising out of the Shuttle Operator's performance of Shuttle Services and payments therefor prior to the Effective Date. The City and the Shuttle Operator shall release, defend, satisfy and discharge CCBID from any and all claims or liabilities that may be asserted against CCBID in this regard.

2. Term. This Amendment shall be effective as of the Effective Date and shall terminate on December 31, 2013. As set forth in the Ordinance, the Marketing Fee is currently scheduled to sunset on December 31, 2013, and may only be extended by an ordinance duly considered and adopted by the City Council. Accordingly, should the Marketing Fee be extended via legislative action of the City Council, the Parties reserve the right to enter into a subsequent amendment of the Agreement to extend the term beyond December 31, 2013. Any subsequent amendment extending the term beyond December 31, 2013, shall require the CCBID to provide the City with: (a) an updated marketing and advertising plan and shall require reporting requirements substantially similar to those set forth in paragraph 3 below; and (b) a copy of the agreement between the CCBID and the Shuttle Operator for the Shuttle Services to be provided in calendar year 2014, which agreement shall clearly show the proposed monthly expenses for Shuttle Services in 2014.

3. **Reporting of Use of Marketing Fee Revenues by CCBID.** On or before January 31, 2014, the CCBID shall cause to be prepared and delivered to the City a written report of the expenditure and application of all Marketing Fee revenues actually received by the CCBID during 2013, together with a statement of the year-end balance of all such unexpended revenues, if any, held by the CCBID. Such report shall identify the particular purpose and application of each expenditure and the report shall evidence the CCBID's conformance with the requirements of paragraph 1.B. of this Amendment. In the event that the City determines that the report fails to evidence the CCBID's conformance with the requirements of 1.B. of this Amendment, the City may demand in writing that the CCBID submit to the City a supplement to the report which supplement shall contain additional documentation, invoices, and receipts to evidence that the Marketing Fee revenues have been used in accordance with the terms of this Agreement. If any unexpended Marketing Fee revenues remain at the end of the term of this Amendment, such unexpended funds shall be used by the CCBID in accordance with a separate written agreement by and between the City and the CCBID. If the Parties are unable to agree on the use of any unexpended revenues, the same shall be returned by the CCBID to the City on or before March 15, 2014. Nothing in this Amendment shall alter the CCBID's requirement to file the written report required by paragraph 3 of the Agreement with the City on or before January 31, 2013 (with respect to the use of Marketing Fee revenues received by the CCBID during 2012).

4. **No Further Amendments.** All provisions of the Agreement not expressly amended herein remain in full force and effect.

IN WITNESS WHEREOF, the Parties hereto have executed this Amendment on the date(s) set forth below.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

Date of execution: _____, 2012

ATTEST:

Reba Bechtel, City Clerk

**CENTRAL CITY BUSINESS IMPROVEMENT
DISTRICT**

President

Date of execution: _____, 2012

ATTEST:

Secretary

EXHIBIT A

2013 CCBID Marketing Plan

[insert]



AGENDA ITEM # 13

CITY COUNCIL COMMUNICATION FORM

FROM: Reba Bechtel, City Clerk

DATE: November 5, 2012

ITEM: Resolution No. 12-17 A resolution of the City Council of the City of Central amending the City of Central Comprehensive Fee Schedule.

NEXT STEP: Move to approve Resolution No. 12-17

ORDINANCE
 MOTION
 INFORMATION

- I. **REQUEST OR ISSUE:** The proposed resolution amends the comprehensive fee schedule to include additional fees that staff feels should be listed and approved as well as fees that were adopted under the code revisions to Chapter 13 (Utilities) and therefore need to be established. For clarity, staff has also included the 2013 water rates on the amended fee schedule. All new fees are highlighted in yellow on the attached Comprehensive Fee Schedule.
- II. **RECOMMENDED ACTION / NEXT STEP:** Approve Resolution No. 12-17.
- III. **FISCAL IMPACTS:** The City will realize additional revenue from the adoption of these fees. However, it is hard to quantify the amount of revenues that will be realized. Staff expects the revenues received to be minimal and almost all of the fees are designed to recover costs, not be sources of additional revenue.
- IV. **BACKGROUND INFORMATION:** None.
- V. **LEGAL ISSUES:** None
- VI. **CONFLICTS OR ENVIRONMENTAL ISSUES:** None
- VII. **SUMMARY AND ALTERNATIVES:**
Council may take one of the following actions:
1. Approve Resolution 12-17
 2. Approve Resolution 12-17 with changes
 3. Do not approve Resolution 12-17

**CITY OF CENTRAL, COLORADO
RESOLUTION NO. 12-17**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CENTRAL
AMENDING THE CITY OF CENTRAL COMPREHENSIVE FEE SCHEDULE**

WHEREAS, the City of Central is authorized under its Home Rule Charter and Article 15 of Title 31 of the Colorado Revised Statutes to exercise its general police and financial powers, including but not limited to the ability to impose and collect fees for the processing of licenses, applications, and performance of other administrative services; and

WHEREAS, by Ordinance No. 09-14, the City of Central (“City”) City Council adopted a comprehensive fee schedule, which may be amended by resolution of the City Council; and

WHEREAS, the City Council adopted Ordinance No. 12-08, which amended and revised Chapter 13 of the Municipal Code concerning utilities; and

WHEREAS, part of the provisions and regulations contained in Ordinance No. 12-08 makes it necessary to establish a variety of administrative fees related to utilities indicated in the Fee Schedule attached hereto and incorporated herein as **Exhibit A**; and

WHEREAS, the City Council would like to include other administrative fees in the Comprehensive Fee Schedule as also indicated in the Fee Schedule attached hereto and incorporated herein as **Exhibit A**,

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

Section 1. Comprehensive Fee Schedule. The City Council hereby amends and readopts the City of Central Comprehensive Fee Schedule, attached hereto and incorporated herein as **Exhibit A**, to add fees associated with utilities as authorized via Ordinance No. 12-08 and administrative fees as authorized under the Home Rule Charter and Article 15 of Title 31 of the Colorado Revised Statutes.

Section 2. Severability. If any portion of this Resolution is found to be void or ineffective, it shall be deemed severed from this Resolution and the remaining provisions shall remain valid and in full force and effect.

Section 3. Effective Date. This Resolution shall take effect immediately upon adoption whereupon City staff is directed to take all steps necessary to implement said changes in the Comprehensive Fee Schedule.

ADOPTED THIS 20th DAY OF NOVEMBER, 2012.

CITY OF CENTRAL, COLORADO

By: _____
Ronald E. Engels, Mayor

ATTEST:

APPROVED TO FORM:

By: _____
Reba Bechtel, City Clerk

By: _____
Linda C. Michow, City Attorney

**CITY OF CENTRAL
FEE SCHEDULE**

Type	Notes/Sub-Categories	Municipal Code Reference	Fee
Access Permit (Parkway)	Consultant Reimbursement Agreement Required	Sec. 8-155	\$300.00
Alarm Permit	Annual permit fee	Sec. 6-24	\$25.00
Alarms, False, Excessive	Fee increases based on # of false alarms	Sec. 6-29	\$50/\$100
Annexation Application	Consultant Reimbursement Agreement Required	Sec. 15-3	\$500.00 + \$10/Acre
Animal License	Spayed / Neutered Non- Spayed / Neutered	Sec. 7-123	\$8.00 \$16.00
Appeals	Building Code Historic Preservation Land Use Code Sign Code	Secs. 14-84;16-307-309; 18-123; Article VII, Chapter 16; Chapter 18	\$50.00 + Consult Cost \$100 + Consult Cost \$50.00 + Legal Costs \$50.00
Audited Financial Statements	Available on City Website	N/A	\$10.00
Budget, Annual	Available on City Website	N/A	\$10.00
Building Permits	Contact City to calculate		
Business License		Sec. 6-1	\$25.00 New \$25.00 Renewal
CD/Tape Duplication	Per CD/cassette	N/A	\$25.00
Code Copies, Municipal (On Website for Free)	Municipal Land Use Sign Code Subdivision All Other Chapters	N/A	\$100.00 \$25.00 \$25.00 \$25.00 \$25.00
Certification of Documents		N/A	\$5.00
Common Consumption Areas	Application fee License fee Renewals/Inclusions/Exclusions	Sec. 6-206 Sec. 6-206 Sec. 6-206	\$500.00 \$150.00 \$125.00
Contractors License	Builder's A Builder's B Builder's C Plumber's A Plumber's B Plumber's C Heating A Heating B Appliance Gas Filter Masonry Concrete Form Warm Air Heating & Ventilation House Mover Wrecking Excavating Special Contractor	Sec. 6-113	\$150.00 \$100.00 \$50.00 \$100.00 \$75.00 \$50.00 \$100.00 \$75.00 \$75.00 \$50.00 \$75.00 \$75.00 \$75.00 \$75.00 \$50.00 \$50.00 \$50.00

**CITY OF CENTRAL
FEE SCHEDULE**

Type	Notes/Sub-Categories	Municipal Code Reference	Fee
Copies of Documents	Letter, Legal 8.5 x 11; 8.5x14 Ledger 8.5 x 17 18 x 24 24 x 36 Color Copies	N/A	.25¢ / pg \$1.50 / pg \$3.25 / pg \$5.50 / pg Add \$1.00
Copies of GIS (B&W or Color)	18 X 24 Plat (each page) 24 X 37 Plat (each page) 36 X 48 Plat (each page)	N/A	\$ 7.50 \$10.00 \$12.50
Demolition/Relocation of Historic Structure		Sec. 18-117	\$500.00
Land Use Code Schedule of Fees	Amendments to Code by public Certificate of Appropriateness PUD Final PUD Preliminary Re-Zoning Amendment Ridgeline Development OD Special Review Use Variance	Sec. 16-7	\$100.00 \$500.00 \$500.00 \$50.00 \$500.00 \$500.00 None \$100.00
Medical Marijuana Businesses	New License Application Renewal License Transfer of Ownership	Sec. 6-307	\$2,000 \$1,200 \$1,200
Model Traffic Code	Online @ www.dot.state.co.us	N/A	
Notary Services	Residents/ Local Businesses Non-residents/commercial	N/A	No Charge \$5.00
Pawnbroker License	New License Application Annual Renewal Manager Registration Fee Ownership Change of Corporate Structure Change of Location	Sec. 6-177	\$500.00 \$3,000.00 \$1,200.00 \$185.00 \$125.00
Promotional Association	Certification Recertification	Chapter 6, Article IX	\$100.00 \$50.00
Sales Tax License		Secs. 4-42; 4-43	\$10.00 New \$10.00 Renewal
Sign Permit Fee		Sec. 14-16	Based on valuation with \$25.00 minimum
Special Projects (does not include records request fees)	Professional Employee Time Clerical Professional Time		\$36.00 per hr \$24.00 per hr
Special Event Permits (additional fees added for damaged property by cost of replacement or repair)	Events, Parades (more than 20 participants) per day Clean-up/Damage deposit Barricades each (+ street closure fee) Tables each (6 available) Chairs each (150 available) Tents each (6 available)	Sec. 11-154	\$25.00 \$100.00 \$10.00 \$10.00 \$1.00 \$50.00
Stage Rental	For up to 2 days Each additional day		\$1,000.00 \$250.00

**CITY OF CENTRAL
FEE SCHEDULE**

Type	Notes/Sub-Categories	Municipal Code Reference	Fee
Street Closure Permit	1 st day Each additional day	Chapter 11	\$25.00 \$5.00
Street Cut Permit	Street Cut Permit (Public ROW) Excavation in asphalt or concrete Excavation in gravel Excavation in dirt	Sec. 11-73	\$50.00 \$25/sq yd \$7/sq yd \$1/sq yd
Subdivision Schedule of Fees	Minor Subdivision Re-Subdivision Lot Line Adjustment Re-Subdivision Lot Consolidation Major Subdivision (Pre & Final)	Sec. 17-6	\$250.00 \$150.00 \$150.00 \$1,000.00
Water Service On/Off Fee Owner initiated meter read Other Inspection Fees	(Each) With Building Permit-1 st time Outside business hours-1 hr min Re-inspections-1 hr min Other inspections-1 hr min Delinquency Admin Fee-after 90 days Yard Hydrant unmetered usage-- (Apr/Oct)	Sec. 13-13	\$25.00 \$25.00 No Fee \$40.00 per hr \$25.00 per hr \$25.00 per hr \$20.00 \$75.00
Water Tap Fees / Plant Investment Fees (See Ordinance 04-06 for more details)	3/4" Tap 1" Tap 1 1/2" Tap 2" Tap 3" Tap 4" Tap 6" Tap Per Hotel Room Per Device	Ord. 04-06; Sec. 13-28	\$10,705.00 \$21,410.00 \$42,820.00 \$85,640.00 \$171,280.00 \$342,560.00 \$551,178.00 \$4,612.08 \$553.45
Water Rates Usage Rate	Regular Includes 3,000 gal Senior Includes 3,000 gal Commercial Includes 10,000 gal Residential 3,001-5,000 5,001-7,000 Over 7,000 Commercial 10,000-15,000 15,001-20,000 20,001-30,000 30,001-50,000 Over 50,000 Outside City Limits		\$60.00 \$48.00 \$95.00 \$4.84 p/thousand gal \$5.81 p/thousand gal \$6.97 p/thousand gal \$7.26 p/thousand gal \$10.89 p/thousand gal \$13.61 p/thousand gal \$14.97 p/thousand gal \$16.47 p/thousand gal \$64.00 p/thousand gal



AGENDA ITEM # 14

CITY COUNCIL COMMUNICATION FORM

TO: Mayor Engels and Members of City Council
FROM: Linda Michow, City Attorney
DATE: November 15, 2012
ITEM: Ordinance 12-16 Concerning the Regulation of Medical Marijuana Establishments and Patients and Primary Caregivers

ORDINANCE
 MOTION
 INFORMATION

- I. **REQUEST OR ISSUE:** The City Council is being asked to consider Ordinance No. 12-16 on first reading. The City Council previously adopted regulations regarding the licensing and zoning of medical marijuana businesses. The purpose of this Ordinance is to repeal and reenact the City's medical marijuana regulations to:
- Update terminology based on the State Medical Marijuana Code ("MMC") so that "dispensaries" are now referred to as "centers".
 - Establish a local licensing authority as required by the MMC, which is either the City Manager or the City Council.
 - Change the permitted hours of operation to conform to the MMC.
 - Include prohibited locations, such as within 1,000 feet of a school, consistent with the MMC.
 - Require issuance of written decisions on licenses within time frames set forth in the MMC.
 - Refer to security requirements set forth in the MMC.

- Add requirements for patients and primary caregivers to limit number of plants to twelve (12), restrict cultivation to indoor use and only within primary dwelling unit (not accessory structures).
- Require primary caregivers to obtain business and sales tax license through the City.

II. **RECOMMENDED ACTION / NEXT STEP:** Approve Ordinance No. 12-16 on first reading and set a public hearing and second reading of the Ordinance to a time and date certain.

III. **FISCAL IMPACTS:** The collection of sales tax and applicable licensing fees for medical marijuana sales will assist the City in covering its expenses in monitoring, licensing and regulating medical marijuana centers.

IV. **BACKGROUND INFORMATION:**

Central City has in place regulations governing medical marijuana dispensaries, which are codified in Article VIII of Chapter 6 of the Municipal Code. Since the City's adoption of its medical marijuana regulations, the State Legislature has adopted House Bill 1284 ("HB 1284"). HB 1284 outlines the state's regulatory program to address the issue of medical marijuana in Colorado (Medical Marijuana Code). The relevant portions of HB 1284 are summarized below.

- HB 1284 creates a new State Medical Marijuana Licensing Authority within the Department of Revenue.
- The State Medical Marijuana Licensing Authority is authorized to issue a state license for three types of operations discussed below in more detail:
 - Medical Marijuana Center.
 - Medical Marijuana-Infused Products Manufacturer.
 - "Optional Premises" a/k/a "Growing Facility".
- The State Medical Marijuana Licensing Authority is required to enact regulatory rules governing certain actions and operations of all persons engaging in the possession, use, production, and distribution of medical marijuana. These rules will require time to prepare and are not expected to be available until perhaps mid-2011.
- The State regulations prepared by the State Medical Marijuana Licensing Authority address:
 - Forms for applications.
 - Violations and enforcement of violations.
 - Penalties for violations.
 - Instructions for local licensing authorities and law enforcement officers.

- Procedures for license issuance, renewals, reinstatements, fee payment, and revocation of licenses.
- State procedures for inspections, investigations, searches, etc.
- Product informational displays.
- Patient and Caregiver Registration Card programs.
- Fingerprint and criminal history background check processes.
- Security requirements for licensed facilities.
- Regulation of storage, warehouses, and transportation of medical marijuana.
- Sanitary requirements for licensed businesses.
- Labeling standards.
- Processes for reporting and transmitting monthly sales tax payments.
- Any other matters necessary for the fair and stringent administration of the law.

HB 1284 expressly recognizes that a municipality may be more stringent or restrictive than the provisions of HB 1284. In addition, the Bill reserves to local governments the power to adopt and enforce an ordinance licensing, regulating, or prohibiting the cultivation or sale of medical marijuana. The City Council may also adopt additional standards for the issuance of a medical marijuana center, optional premises cultivation operation, or medical marijuana-infused products manufacturer licenses, which may include restrictions on the size of and distance between licensed premises and any other requirements that the City deems necessary.

Moreover, from a zoning and land use perspective, the City also possesses some authority to regulate primary caregiver operations and, in particular, to regulate this use when its operations are equivalent to a business or commercial enterprise.

V. LEGAL ISSUES: The City is authorized to enact Ordinance No. 12-16 pursuant to its home rule authority and the Colorado Medical Marijuana Code.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES: N/A

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

- (1) Adopt Ordinance No. 12-16 on first reading, as may or may not be amended;
- (2) Direct staff to make revisions to the Ordinance and schedule consideration of the Ordinance on a future City Council agenda for first reading; or
- (3) Reject or deny the Ordinance.



**CITY OF CENTRAL, COLORADO
ORDINANCE NO. 12-16**

**AN ORDINANCE AMENDING ARTICLE VIII OF CHAPTER 6
AND CHAPTER 16 OF THE MUNICIPAL CODE REGARDING THE
REGULATION OF MEDICAL MARIJUANA ESTABLISHMENTS,
PATIENTS AND PRIMARY CAREGIVERS**

WHEREAS, the City of Central is a home rule city of the State of Colorado; and

WHEREAS, the City Council of the City of Central previously adopted regulations governing medical marijuana establishments as authorized pursuant to Amendment 20 which added § 14 of Article XVIII to the Colorado Constitution and as codified in Article VIII of Chapter 6 of the Municipal Code; and

WHEREAS, the City Council also adopted zoning regulations governing medical marijuana establishments found in Chapter 16 of the Municipal Code; and

WHEREAS, since adoption of the City's local regulations, the Colorado general assembly has adopted and amended the Colorado Medical Marijuana Code, set forth in Colorado Revised Statutes, Section 12-43.3-101 et. seq.; and

WHEREAS, Colorado Revised Statutes, Section 12-43.3-310, specifically authorizes a municipality to enact local government zoning, health, safety and public welfare laws for the distribution of medical marijuana that may be more restrictive than the Colorado Medical Marijuana Code; and

WHEREAS, the City desires to amend and update the City's regulations concerning medical marijuana to be consistent (except where more stringent regulations apply) with the Colorado Medical Marijuana Code; and

WHEREAS, the City further desires to adopt limited regulations concerning patients and primary caregivers so as to ensure the public health and safety of the community is protected; and

WHEREAS, by Colorado Revised Statutes, Section 12-43.3-404(7), and Formal Opinion of the Colorado Attorney General dated November 16, 2009, medical marijuana is classified as tangible personal property and the sale of such property is subject to local sales tax; and

WHEREAS, primary caregivers engaged in the cultivation, production, and processing of medical marijuana for one or more patients involves the sale or distribution of taxable tangible personal property for which the Central Municipal Code requires licensing and reporting of taxable transactions.

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CENTRAL,
GILPIN COUNTY:**

Section 1. Article VIII of Chapter 6 of the Municipal Code is hereby repealed and readopted to read as follows in its entirety:

Article VIII Medical Marijuana Licenses

Division 1. Medical Marijuana Establishments

Sec. 6-301. Findings.

The City Council adopts this Article based upon the following findings of fact:

(1) On November 7, 2000, the voters of the State of Colorado approved Amendment 20. Amendment 20 added Section 14 of Article XVIII to the Colorado Constitution, and created a limited exception from criminal liability under Colorado law (as opposed to federal law) for seriously ill persons who are in need of marijuana for specified medical purposes and who obtain and use medical marijuana under the limited, specified circumstances described in Amendment 20.

(2) The intent of Amendment 20 is to enable certain specified persons who comply with the registration provisions of the law to legally obtain, possess, cultivate, grow, use and distribute marijuana without fear of criminal prosecution under Colorado (as opposed to federal) law.

(3) Despite the adoption of Amendment 20 marijuana is still a controlled substance under Colorado and federal law. As a result, making it legal for a person to obtain, possess, cultivate, grow, use and distribute marijuana, even for medical use as contemplated by Amendment 20, has the potential for abuse that should be closely monitored and regulated by local authorities to the extent possible.

(4) If not closely monitored and regulated, the presence of marijuana, even for the purposes legally permitted by Amendment 20, can cause an increase in illegal activities within the City affecting the health, safety, order, comfort, convenience and general welfare of the residents of the City.

(5) If medical marijuana establishments operating pursuant to Amendment 20 were allowed to be established and to operate without appropriate local regulation of their location, medical marijuana establishments might be established in areas that would conflict with the City's comprehensive land use plan; be inconsistent with surrounding uses; or otherwise be detrimental to the public health, safety and welfare.

(6) Nothing in this Article allows a person to:

- a. Engage in conduct that endangers others or causes a public nuisance;

- b. Possess, cultivate, grow, use or distribute marijuana for any purpose other than for use as medical marijuana as authorized and limited by Amendment 20, and the implementing state statutes and administrative regulations;
- c. Possess, cultivate, grow, use or distribute marijuana that is otherwise illegal under applicable law; or
- d. Engage in any activity related to the possession, cultivation, growing, use or distribution of marijuana that is otherwise not permitted under the laws of the City or the State of Colorado.

(7) This Article is necessary and proper to provide for the safety, preserve the health, promote the prosperity, and improve the order, comfort and convenience of the City and the inhabitants thereof.

(8) No person, business, activity or use that distributed or involved the distribution of marijuana within the City prior to the enactment of this Article, as originally adopted by Ordinance No. 10-01, shall be deemed to have been legally established under this Code, and no such person, business, activity or use shall be entitled to claim legal, nonconforming status under any provision of this Code or applicable law.

Sec. 6-302. Authority.

The City Council hereby finds, determines and declares that it has the power to adopt this Article pursuant to:

- (1) The Local Government Land Use Control Enabling Act, Article 20 of Title 29, C.R.S.;
- (2) Part 3 of Article 23 of Title 31, C.R.S. (concerning municipal zoning powers);
- (3) Section 31-15-103, C.R.S. (concerning municipal police powers);
- (4) Section 31-15-401, C.R.S. (concerning municipal police powers);
- (5) Section 31-15-501, C.R.S. (concerning municipal authority to regulate businesses);
- (6) The authority granted to home rule municipalities by Article XX of the Colorado Constitution;
- (7) Section 14 of Article XVIII of the Colorado Constitution; and
- (8) The powers contained in the City of Central Home Rule Charter.

Sec. 6-303. Definitions.

(a) As used in this Article, the following words shall have the following meanings:

Amendment 20 means a voter-initiated amendment to the Colorado Constitution adopted November 7, 2000 codified as Section 14 of Article XVIII to the Colorado Constitution.

Applicant means a person who has submitted an application for license pursuant to this Article.

Application means an application for license submitted pursuant to this Article.

City Manager means the City Manager of the City or designee.

Colorado Medical Marijuana Code means Article 43.3 of Title 12 of the Colorado Revised Statutes, inclusive of promulgated rules, and as may be amended.

Cultivation means the process by which a person promotes the germination and growth of a seed to a mature marijuana plant. *Cultivation* does not include the storing or watering of mature marijuana plants without the aid of grow lighting.

Day means a calendar day, unless otherwise indicated.

Good cause means and includes: (1) the licensee has violated, does not meet, or has failed to comply with any of the terms, conditions or provisions of this Article and any rule and regulation promulgated pursuant to this Article or the Colorado Medical Marijuana Code; (2) the licensee has failed to comply with any special terms or conditions that were placed on its license at the time the license was issued pursuant to an order of the state department of revenue or local licensing authority; or (3) the licensee's medical marijuana center has been operated in a manner that adversely affects the public health, welfare or safety of the immediate neighborhood in which the medical marijuana establishment is located. Evidence to support such a finding can include: (i) a continuing pattern of offenses against the public peace, as defined in Article VII of Chapter 10 of this Code; (ii) a continuing pattern of drug-related criminal conduct within the premises of the medical marijuana establishment or in the immediate area surrounding the medical marijuana establishment; or (iii) a continuing pattern of criminal conduct directly related to or arising from the operation of the medical marijuana establishment.

License means a license to operate a medical marijuana establishment issued pursuant to this Article.

Licensee means a person licensed pursuant to this Article and the Colorado Medical Marijuana Code.

Local Licensing Authority means the City Council of the City of Central as may be delegated to the City Manager as more specifically enumerated in this Article.

Medical marijuana center means a premises licensed pursuant to the Colorado Medical Marijuana Code to operate a business described in C.R.S. Section 12-43.3-402 that sells medical marijuana to registered patients or primary caregivers as defined in section 14 of Article XVIII of the state constitution but is not a caregiver.

Medical marijuana establishment means a medical marijuana center, a medical marijuana-infused product manufacturer or an optional premises cultivation operation.

Medical marijuana-infused product means a product infused with medical marijuana that is intended for use or consumption other than by smoking, including but not limited to, edible products, ointments, and tinctures.

Medical marijuana-infused product manufacturer means a person licensed pursuant to this Article and the Colorado Medical Marijuana Code to operate a business as described in C.R.S. Section 12-43.3-404.

Optional premises cultivation operation means a premises licensed pursuant to this Article and the Colorado Medical Marijuana Code where a business described in C.R.S. Section 12-43.3-403 will operate.

Patient has the meaning provided in Section 14(a)(d) of Article XVIII of the Colorado Constitution as further defined and regulated in C.R.S. Section 25-1.5-106 and 5 C.C.R. 1006-2.

Primary caregiver has the meaning provided in Section 14(1)(f) of Article XVIII of the Colorado Constitution as further defined and regulated in C.R.S. Section 25-1.5-106 and 5 C.C.R. 1006-2.

School means a public or private preschool or a public or private elementary, middle, junior high or high school.

(b) In addition to the definitions provided in Subsection (a) hereof, the other defined terms in Amendment 20 are incorporated into this Article by reference.

Sec. 6-304. License required.

No person shall operate a medical marijuana establishment within the City without a valid license issued in accordance with this Article.

Sec. 6-305. Application for license.

(a) An applicant seeking to obtain a license pursuant to this Article shall file an application with the City Manager. The form of the application shall be provided by the state and shall include all information required by the Colorado Medical Marijuana Code, and any additional information requested by the City Manager if such information, in his or her opinion, is reasonably necessary to complete the investigation and review of the application.

(b) A license issued pursuant to this Article does not eliminate the need for the licensee to obtain other required City licenses and licenses related to the operation of the approved medical marijuana center, including, without limitation:

- (1) Any required land use approval, if applicable;
- (2) A City business and sales tax license; and
- (3) Any building permits, including mechanical, plumbing license or electrical license.

Sec. 6-306. Application fee.

An applicant shall pay to the City a nonrefundable application fee when the application is filed. The purpose of the fee is to cover the administrative costs of processing the application. The amount of the application fee shall be fixed by the City Council by resolution.

Sec. 6-307. Investigation of application.

(a) The City Manager shall determine whether the application is complete and notify the applicant of any deficiencies. Upon receipt of a properly completed application, together with all information required in connection therewith, and the payment of the application fee as required by Section 6-306, the City Manager shall transmit copies of the application to:

- (1) the Police Department;
- (2) the Planning Department; and
- (3) any other person or agency which the City Manager determines should properly investigate and comment upon the application.

(b) Upon receipt of a completed application the Police Department shall obtain and review a criminal background records search on the applicant from the Colorado Bureau of Investigation.

(c) Within twenty (20) days of receipt of a completed application those City departments and other referral agencies described in Subsection (a) of this Section shall provide the City Manager with comments concerning the application.

Sec. 6-308. Standards for issuance of license.

(a) The City Manager is authorized to administratively approve a license under this Article so long as the following conditions are met:

- (1) The application (including any required attachments and submissions) is complete and signed by the applicant;

(2) The applicant has paid the application fee and any other fees required by this Code;

(3) The application does not contain a material falsehood or misrepresentation;

(4) The application complies with all of the requirements of this Article, the Code and the Colorado Medical Marijuana Code;

(5) The applicant has received written approval from the police department as to the applicant's criminal background; and

(6) The proposed location of the medical marijuana establishment is in compliance with the location, zoning and building requirements set forth in this Code.

(b) The City Manager may refer an application for a license under this Article to the City Council for a public hearing as permitted by C.R.S. Section 12-43.3-302.

Sec. 6-309. Denial of license.

The local licensing authority shall deny an application for a license under this Article, when the applicant fails to meet all of the standards set forth in Section 6-308 of this Article.

Sec. 6-310. Authority to impose conditions on license.

The local licensing authority is authorized to impose such reasonable terms and conditions on a license as may be necessary to protect the public health, safety and welfare, and to obtain compliance with the requirements of this Article and applicable law.

Sec. 6-311. Decision on application.

The local licensing authority shall approve, deny or conditionally approve an application within thirty (30) days of the receipt of the completed application. The decision and the reasons for the decision, as well as any conditions of approval, shall be in writing.

Sec. 6-312. Notice of decision.

The City Manager shall notify the applicant of the decision on the application within three (3) business days of rendering the decision. A copy of the decision shall be sent by certified mail to the applicant at the address shown in the application.

Sec. 6-313. Appeal of denial or condition approval of license.

(a) An applicant has the right to appeal the City Manager's denial or conditional approval of an application to the City Council by filing a written request with the City Manager within twenty (20) days of the date of the notice of the decision described in Section 6-464 of this Code.

(b) The applicant shall be provided with not less than ten (10) days prior written notice of the appeal hearing to be held by the City Council.

(c) The burden of proof in an appeal filed under this Section shall be on the applicant.

(d) If the City Council finds by a preponderance of the evidence that the decision of the City Manager was correct, the City Council shall uphold the decision of the City Manager. If the City Council finds by a preponderance of the evidence that the decision of the City Manager was incorrect, the City Manager's decision shall be set aside and the license issued (if it was previously denied) or the conditions of approval stricken or modified.

(e) Any decision made by the City Council on an application for a license shall be a final decision and may be appealed to the district court pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. The applicant's failure to timely appeal the decision is a waiver of the applicant's right to contest the denial or conditional approval of the application.

Sec. 6-314. Contents of license.

(a) A license shall contain the following information:

(1) The name of the licensee;

(2) The date of the issuance of the license;

(3) The address at which the licensee is authorized to operate the medical marijuana establishment;

(4) Any special conditions of approval imposed upon the license by the City Manager, pursuant to Section 6-462; and

(5) The date of the expiration of the license.

(b) A license must be signed by both the applicant and the City Manager to be valid.

Sec. 6-315. License transferable.

A licensee may transfer or assign all ownership, rights and interests in a license subject to prior application to and approval by the City Manager and compliance with C.R.S. Section 12-43.3-309. The City Manager may refer the transfer application to the City Council for a public hearing in conformance with C.R.S. Section 12-43.3-309. Any attempt to transfer or assign a license in violation of this Section voids the license.

Sec. 6-316. Duration of license; renewal.

(a) Each license issued pursuant to this Article shall be valid for one (1) year from the date of issuance, and may be renewed as provided in this Section.

(b) An application for the renewal of an existing license shall be made to the City Manager not less than forty-five (45) days prior to the date of expiration. The process for renewal shall be administrative, in accordance with C.R.S. Section 12-43.3-311, provided that any decision not to renew shall be made by the City Council in accordance with the requirements set forth in C.R.S. Section 12-43.3-311.

(c) At the time of the filing of an application for the renewal of an existing license the applicant shall pay a renewal fee in an amount fixed by resolution by the City Council.

Sec. 6-317. Duties of licensee.

It is the duty and obligation of each licensee to do the following:

- (1) Comply with all of the terms and conditions of the license;
- (2) Comply with all of the requirements of this Article;
- (3) Comply with all other applicable City ordinances;
- (4) Comply with the Colorado Medical Marijuana Code;
- (5) Comply with all state laws and administrative regulations pertaining to the medical use of marijuana;
- (6) Comply with all applicable federal laws, rules or regulations, other than a federal law, rule or regulation concerning the possession, sale or distribution of marijuana which conflicts with Amendment 20;
- (7) Permit inspection of its records and operation by the City Manager for the purpose of determining the licensee's compliance with the terms and conditions of the license; and
- (8) Post the license in a conspicuous location at the medical marijuana establishment.

Sec. 6-318. Suspension or revocation of license.

(a) A license issued pursuant to this Article may be suspended or revoked by the local licensing authority for the following reasons:

- (1) Fraud, misrepresentation, or a false statement of material fact contained in the license application;
- (2) A violation of any City, state, or federal law or regulation, other than a federal law or regulation concerning the possession, sale or distribution of marijuana that conflicts with Amendment 20;
- (3) A violation of any of the terms and conditions of the license;
- (4) A violation of any of the provisions of this Article; or
- (5) Good cause.

(b) Hearing, Burden of Proof.

(1) Any authorized City official may request in writing that a license issued under this Article be suspended or revoked. The written request to suspend or revoke must include the allegations upon which the suspension or revocation is based and must be provided to the licensee.

(2) The City Council shall preside over the hearing on the suspension or revocation.

(3) The date and time of the hearing must be set, written notice of which must be sent by regular mail postage prepaid to the licensee at least ten days prior to the hearing date.

(4) The hearing must be conducted based on the allegations provided in the written request. The hearing is informal where no rules of evidence shall apply. The burden shall be on the City to prove by a preponderance of the evidence that the licensee has violated the provisions of Section 6-318(a).

(5) A written decision must be provided to the licensee within ten business days of the conclusion of the hearing. Notice shall be given by mailing a copy of the decision to the licensee by regular mail, postage prepaid, at the address shown in the license. Notice is deemed to have been properly given upon mailing.

(c) In connection with the suspension of a license, the City Manager may impose reasonable conditions.

(d) Any decision made by the City Council shall be a final decision and may be appealed to the district court, pursuant to Rule 106(a)(4) of the Colorado Rules of Civil Procedure. The licensee's failure to timely appeal the decision is a waiver of the licensee's right to contest the suspension or revocation of the license.

Sec. 6-319. Prohibited Locations; Permanent Location Required.

Prior to the issuance of a license for a medical marijuana establishment, the City Manager shall determine whether the proposed location of the medical marijuana establishment complies with the requirements of this Section and Chapter 16 of the Central City Municipal Code. Failure to comply with the requirements of this Section shall preclude issuance of a license.

(a) No medical marijuana establishment shall be located within an area zoned for single family residential use.

(b) Each medical marijuana establishment shall be operated from a permanent location. No medical marijuana dispensary shall be permitted to operate from a moveable, mobile or transitory location.

(c) No medical marijuana establishment shall be located within one thousand (1,000) feet of a school, an alcohol or drug treatment facility, or the principal campus of a college, university, or seminary, or a residential child care facility.

(d) Medical marijuana establishments that were lawfully in existence at a specific location within the City as of the effective date of this Section shall not be subject to the prohibition at that location.

Sec. 6-320. On-site cultivation prohibited.

The cultivation of marijuana on or within a medical marijuana center is prohibited.

Sec. 6-321. Hours of operation.

A medical marijuana establishment may serve, sell or distribute medical marijuana only between the hours of 8:00 a.m. and 7 p.m. Monday through Sunday.

Sec. 6-322. Signage.

All signage for a medical marijuana establishment shall comply with the requirements of Chapter 14 of this Code.

Sec. 6-323. Required warnings to be posted.

There shall be posted in a conspicuous location in each medical marijuana establishment a legible sign containing the following warnings:

(1) A warning that the diversion of marijuana for nonmedical purposes is a violation of state law;

(2) A warning that the use of medical marijuana may impair a person's ability to drive a motor vehicle or operate machinery, and that it is illegal under state law to drive a motor vehicle or to operate machinery when under the influence of or impaired by marijuana;

(3) A warning that loitering in or around the medical marijuana establishment is prohibited by state law; and

(4) A warning that possession and distribution of marijuana is a violation of federal law.

Sec. 6-324. Paraphernalia.

Devices, contrivances, instruments and paraphernalia for inhaling or otherwise consuming marijuana, including, but not limited to, rolling papers and related tools, water pipes, and vaporizers may lawfully be sold at a medical marijuana establishment. Such items may be sold or provided only to patients or primary caregivers.

Sec. 6-325. Alcohol.

The sale or consumption of an alcoholic beverage within a medical marijuana establishment is prohibited.

Sec. 6-326. Security requirements.

A licensee shall provide security on the premises of a medical marijuana establishment in accordance with the Colorado Medical Marijuana Code.

Sec. 6-327. Taxes.

Each licensee shall pay sales tax on all medical marijuana, paraphernalia and other tangible personal property sold by the licensee at the medical marijuana establishment.

Sec. 6-328. Penalties; injunctive relief.

(a) It is a municipal offense for any person to violate any provision of this Article. Any person convicted of having violated any provision of this Article shall be punished as set forth in Section 1-72 of this Code.

(b) In addition to all other remedies available to the City under this Code and by law, the operation of a medical marijuana establishment without a valid license issued pursuant to this Article may be enjoined by the City in an action brought in a court of competent jurisdiction.

Sec. 6-329. No waiver of governmental immunity.

In adopting this Article, the City Council is relying on and does not waive or intend to waive by any provision of this Article, the monetary limitations (presently \$150,000 per person and \$600,000 per occurrence) or any other rights, immunities and protections provided by the Colorado Governmental Immunity Act, Section 24-10-101, et seq., C.R.S., as from time to time amended, or any other limitation, right, immunity, or protection otherwise available to the City, its officers or its employees.

Sec. 6-330. No City liability.

By accepting a license issued pursuant to this Article, a licensee releases the City, its officers, elected officials, employees, attorneys and agents from any liability for injuries, damages or liabilities of any kind that result from any arrest or prosecution of establishment owners, operators, employees, clients or customers for a violation of state or federal laws, rules or regulations. The City Manager may require a licensee to execute a written instrument confirming the provisions of this Section.

Sec. 6-331. Indemnification of City.

By accepting a license issued pursuant to this Article a licensee, jointly and severally if more than one, agrees to indemnify and defend the City, its officers, elected officials, employees, attorneys, agents, insurers, and self-insurance pool against all liability, claims, and demands, on account of injury, loss, or damage, including, without limitation,

claims arising from bodily injury, personal injury, sickness, disease, death, property loss or damage, or any other loss of any kind whatsoever, which arise out of or are in any manner connected with the operation of the medical marijuana establishment that is the subject of the license. The licensee further agrees to investigate, handle, respond to, and to provide defense for and defend against, any such liability, claims, or demands at its expense, and to bear all other costs and expenses related thereto, including court costs and attorney fees. The City Manager may require a licensee to execute a written instrument confirming the provisions of this Section.

Sec. 6-332. Other laws remain applicable.

The provisions of this Article do not protect licensees, operators, employees, customers and clients of a licensed medical marijuana establishment from prosecution pursuant to any laws that may prohibit the cultivation, sale, use or possession of controlled substances. In addition, as of the date of the adoption of this Article the cultivation, sale, possession, distribution and use of marijuana remain violations of federal and state law (except for conduct covered by Amendment 20), and this Article affords no protection against prosecution under such federal and state laws. Licensees, operators, employees, customers and clients of a licensed medical marijuana establishment assume any and all risk and any and all liability arising or resulting from the operation of the establishment under any state or federal law. Further, to the greatest extent licensed by law, any actions taken under the provisions of this Article by any public officer or officers, elected or appointed officials, employees, attorneys and agents of the City shall not become a personal liability of such person or of the City.

Sec. 6-333. Compliance with State Law

Except as otherwise provided herein, the local licensing authority shall be governed by the Colorado Medical Marijuana Code now in effect or subsequently amended. In the event of a conflict between the provisions of this article and those in the Colorado Medical Marijuana Code, the more stringent provision shall apply.

Division 2. Primary Caregivers

Sec. 6-340. Primary Caregiver Requirements.

(a) No primary caregiver shall produce, offer, sell or grow medical marijuana within the City without a valid business and sales tax license issued in accordance with this Chapter.

(b) Primary caregivers shall comply with all applicable provisions of this Code, and specifically, the business licensing and sales tax licensing and reporting requirements set forth in this Chapter. A primary caregiver shall provide the registry identification card number of each of his or her patients to employees of the City including any police officer of the City upon request in the course of their official duties while investigating compliance with the requirements of this Article.

(c) To the extent required by law, written documentation that includes the name, address, or other information of a patient or primary caregiver including, but not limited

to applications, permits, and correspondence, shall be maintained by the City as confidential. No person shall be permitted to have access to such confidential documentation except for authorized employees and contractors of the City in the course of their official duties and authorized employees of authorized law enforcement agencies.

(d) The cultivation, production or processing of medical marijuana and medical marijuana plants by primary caregivers for patients is a home occupation subject to the regulations set forth in Chapter 16 of the Code.

Section 2. Section 16-13, titled Definitions, of Chapter 16 of the Central City Municipal Code is hereby amended to delete the definition of “Medical Marijuana Dispensary” and to add the following new definitions to read:

Medical marijuana center means a premises licensed pursuant to the Colorado Medical Marijuana Code to operate a business described in C.R.S. Section 12-43.3-402 that sells medical marijuana to registered patients or primary caregivers as defined in section 14 of Article XVIII of the state constitution but is not a caregiver.

Patient has the meaning provided in Section 14(a)(d) of Article XVIII of the Colorado Constitution as further defined and regulated in Section 25-1.5-106 and 5 C.C.R. 1006-2.

Primary caregiver has the meaning provided in Section 14(1)(f) of Article XVIII of the Colorado Constitution as further defined and regulated in Section 25-1.5-106 and 5 C.C.R. 1006-2.

Section 3. Section 16-35 and Section 16-192 of Chapter 16 of the Central City Municipal Code are further amended to replace all references to “Medical Marijuana Dispensary” with the phrase “Medical Marijuana Center.”

Section 4. Article II of Chapter 16 of the Central City Municipal Code is hereby amended to add a new Section 16-37 to read in full as follows:

Sec. 16-37 Medical marijuana patients and primary caregivers.

Primary caregivers who cultivate, possess or dispense medical marijuana for use by patients, and patients who cultivate or possess medical marijuana for their own medical use, shall be subject to the following limitations:

1. All cultivation, processing and production of medical marijuana shall be conducted entirely within a dwelling unit. For purposes of this provision, dwelling unit shall mean one (1) or more rooms and a single kitchen and at least one (1) bathroom, designed, occupied or intended for occupancy as separate quarters for the exclusive use of a single family for living, cooking and sanitary purposes, located in a single family, two-family or multi-family dwelling or mixed use building.

2. No cultivation, processing or production of medical marijuana may occur in an accessory structure; garage, whether attached or detached; shed; greenhouse; storage unit; or other structure other than a dwelling unit.
3. Patients and caregivers shall comply with all applicable City and state regulations, ordinances and laws, including home occupation requirements set forth in this Chapter.
4. No cultivation, possession or dispensing shall occur in the common areas of a multi-family or attached residential building.
5. No more than twelve (12) marijuana plants regardless of size or stage of growth may be cultivated or kept within any dwelling unit.
6. In no event shall a patient or primary caregiver keep, cultivate, grow or process more medical marijuana than such person is entitled to possess under Article XVIII, Section 14 of the Colorado Constitution.

Section 5. Repealer. Existing ordinances, parts of ordinances, or resolutions which are inconsistent or conflict with the provisions of this Ordinance are hereby repealed.

Section 6. Severability. If any section, paragraph, clause, or provision of this Ordinance shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance, the intent being that the same are severable.

Section 7. Safety Clause. The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Central City, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 8. Effective Date. This Ordinance shall become effective immediately following publication, public hearing and the approval of City Council following second reading in accordance with Sections 5.9 and 5.10 of the City Charter.

INTRODUCED AND READ by title only on first reading at the regular meeting of the City Council of the City of Central on the ____ day of _____, 2012, at Central City, Colorado.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

Approved as to form:

Linda C. Michow, City Attorney

ATTEST:

Reba Bechtel, City Clerk

PASSED AND ADOPTED on second reading, at the regular meeting of the City Council of the City of Central on the ___ day of _____, 2012.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel, City Clerk

POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY in the Weekly Register Call newspaper on _____, 2012.

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

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel, City Clerk



AGENDA ITEM # 15

CITY COUNCIL COMMUNICATION FORM

FROM: Greg Thompson, CDD
DATE: November 20, 2012
ITEM: Ordinance 12-17 - Residential Trash Collection

ORDINANCE
 MOTION
 INFORMATION

I. REQUEST OR ISSUE:

The City Council is being asked to consider Ordinance No. 12-17 on first reading. The purpose of the Ordinance is to amend the Municipal Code to identify when it is appropriate to put trash cans out by the curb. No such restriction currently exists.

This summer, one property in particular elected to keep their trash cans out by the road throughout the week. Bears and other critters were attracted throughout the summer and frequently scattered trash around the property. Additionally, other residents in the area had more bear encounters than usual. While the City was able to pursue littering complaints against the property, the source of the concern, trash cans left out all week, was not something which could be pursued from an enforcement perspective.

II. RECOMMENDED ACTION / NEXT STEP:

Review and approve Ordinance No. 12-17 on first reading with any amendments as proposed by City Council and schedule for second reading and public hearing.

III. FISCAL IMPACTS:

None.

IV. BACKGROUND INFORMATION:

City residential trash collection is currently provided free to residents. Pick up day is currently Thursday.

V. LEGAL ISSUES:

The City is authorized to enact Ordinance No. 12-17 pursuant to its home rule authority.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES:

Leaving trash cans out inevitably leads to litter strewn about the property. The property which has been leaving their trash out sits over the creek in Eureka Gulch. Passing this ordinance should clean up the property, surrounding neighborhood and the nearby water

way. This ordinance would apply to all properties. In addition, bears and other animals would not be drawn to properties which may leave out trash cans.

VII. SUMMARY AND ALTERNATIVES:

Council may take one of the following actions:

1. Approve Ordinance No. 12-17 on first reading, as may or may not be amended, and schedule for second reading and public hearing;
2. Direct staff to make revisions to the Ordinance and schedule consideration of the Ordinance on a future City Council agenda for first reading; or
3. Reject or deny the ordinance.

**CITY OF CENTRAL, COLORADO
ORDINANCE 12-17**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTRAL
COLORADO AMENDING CERTAIN PROVISIONS OF ARTICLE III OF
CHAPTER 7 OF THE CENTRAL CITY MUNICIPAL CODE REGARDING
GARBAGE AND REFUSE; AND ADOPTING TIMES WHEN RESIDENTIAL
TRASH CANS CAN BE OUTSIDE**

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

WHEREAS, the City has previously adopted regulations pertaining to garbage and refuse standards, as codified in Article III of Chapter 7 of the Central City Municipal Code; and

WHEREAS, the Central City Municipal Code does not currently address when residential trash cans can be outside; and

WHEREAS, wildlife found in this mountainous area includes, bear, mountain lions, raccoons and other animals which can be attracted to trash cans which are left out; and

WHEREAS, when attracted to trash cans, wildlife can become a nuisance by scattering trash around properties, as well as create potentially deadly situations for both humans and wildlife; and

WHEREAS, keeping the City clean and minimizing human/wildlife conflict are both desirable goals of the City.

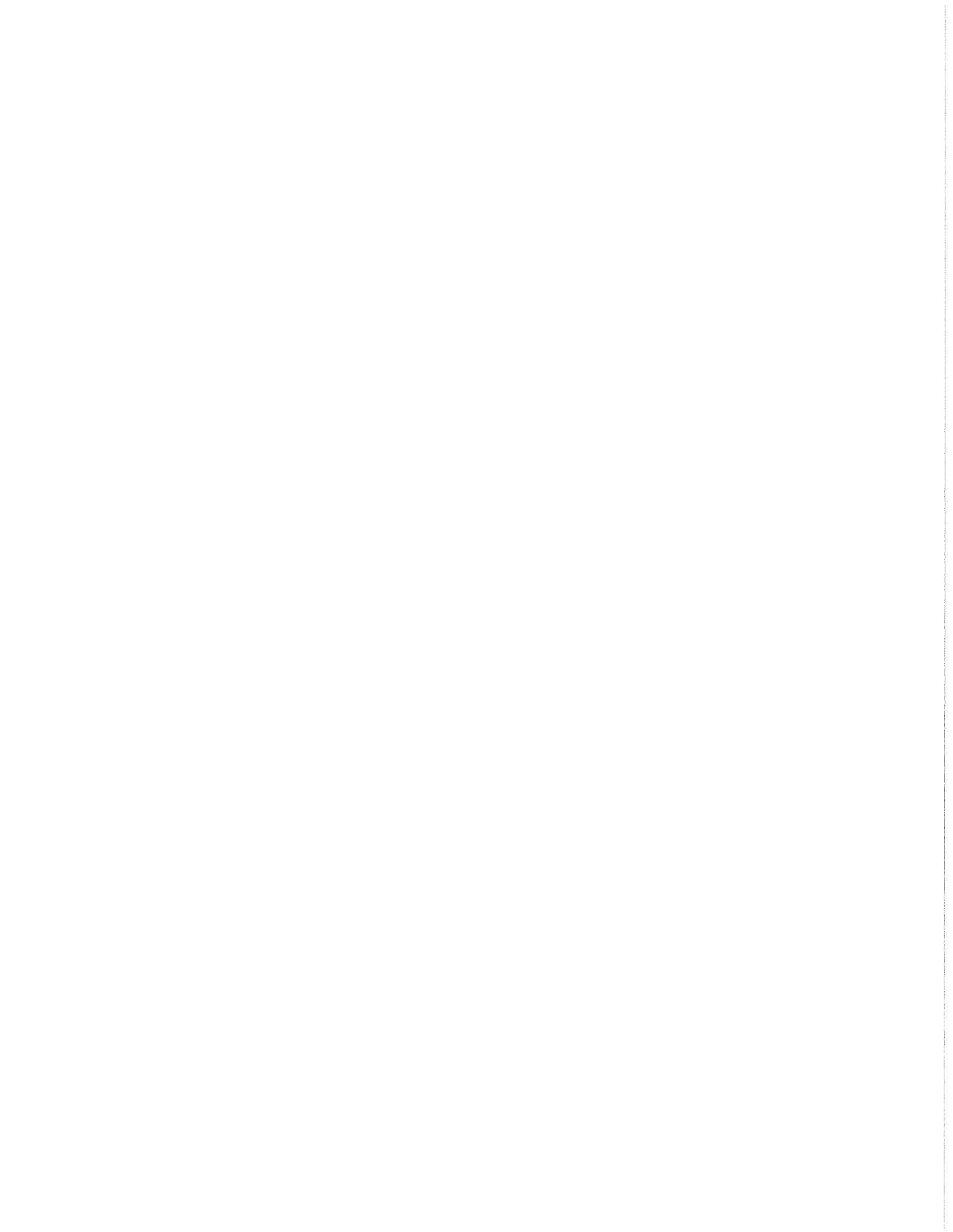
**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CENTRAL,
COLORADO THAT:**

Section 1. **Creation of Section 7-87.** Section 7-87 of Article III of Chapter 7 is hereby created to read as set forth below:

It shall be unlawful to place residential garbage or recycling containers within a front yard setback or in the public right-of-way or out for collection at any time earlier than 6:00 a.m. on the scheduled date of collection. All such containers shall be removed from those locations by 9:00 p.m. on collection day.

Secs. 7-88 – 7-100. Reserved.

Section 2. **Codification Amendments.** 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 3. 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 4. 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 5. Effective Date. This Ordinance shall become effective immediately following publication, public hearing and the approval of City Council following second reading in accordance with Sections 5.9 and 5.10 of the City Charter.

INTRODUCED AND READ by title only on first reading at the regular meeting of the City Council of the City of Central on the 20th day of November, 2012, at Central City, Colorado.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

Approved as to form:

Linda C. Michow, City Attorney

ATTEST:

Reba Bechtel, City Clerk

PASSED AND ADOPTED on second reading, at the regular meeting of the City Council of the City of Central on the 4th day of December, 2012.

CITY OF CENTRAL, COLORADO



Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel, City Clerk

POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY in the Weekly Register Call newspaper on November 22, 2012.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on December 6, 2012.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

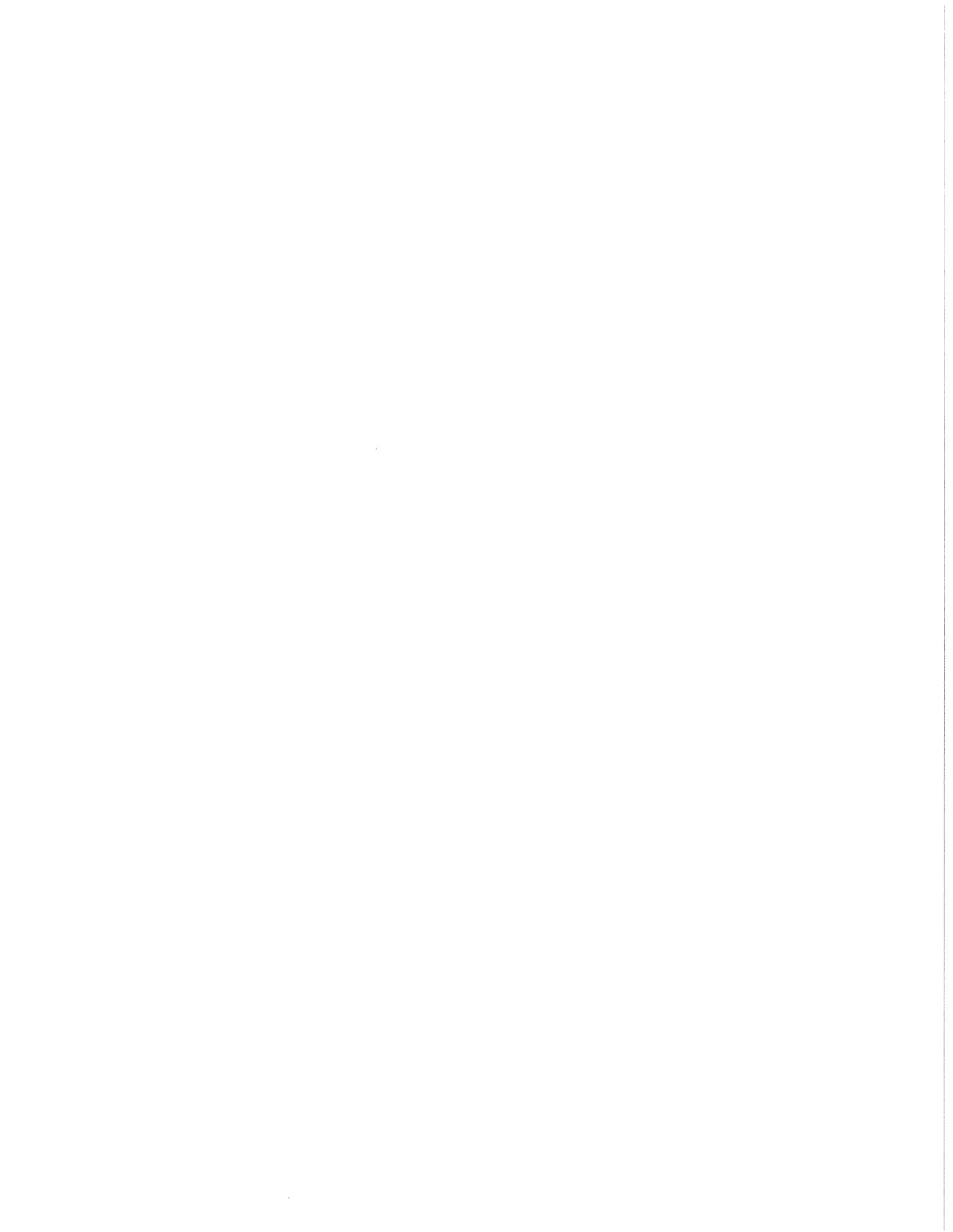
ATTEST:

Reba Bechtel City Clerk

DATE: November 14, 2012
TO: Alan Lanning, City Manager
Mayor & Council
FROM: Shannon Flowers, Finance Director/Treasurer

Following is an update of the Finance Department's activities from Thursday, November 1st through Wednesday November 14th, 2012.

- Worked with City Attorney on drafting ordinance to amend the false alarm fee schedule
- Completed October bank reconciliation
- Worked with Operations Director on Energy and Mineral Impact Grant application
- Reconciled miscellaneous revenue account
- Prepared October Revenue & Expenditure report
- Revised 2012 Year End Projections as necessary
- Schedules debt service payments for the end of the month
- Worked with City Attorney on plotter lease document
- Worked with City Attorney on shuttle service agreements
- Prepared check listing for Council
- Processed Bi-weekly payroll and all associated tax and retirement filings
- Finance Clerk Processed Accounts Payable
- Finance Clerk processed Accounts Receivable and prepared weekly deposits
- Finance Clerk administered Court



City Clerk's Office

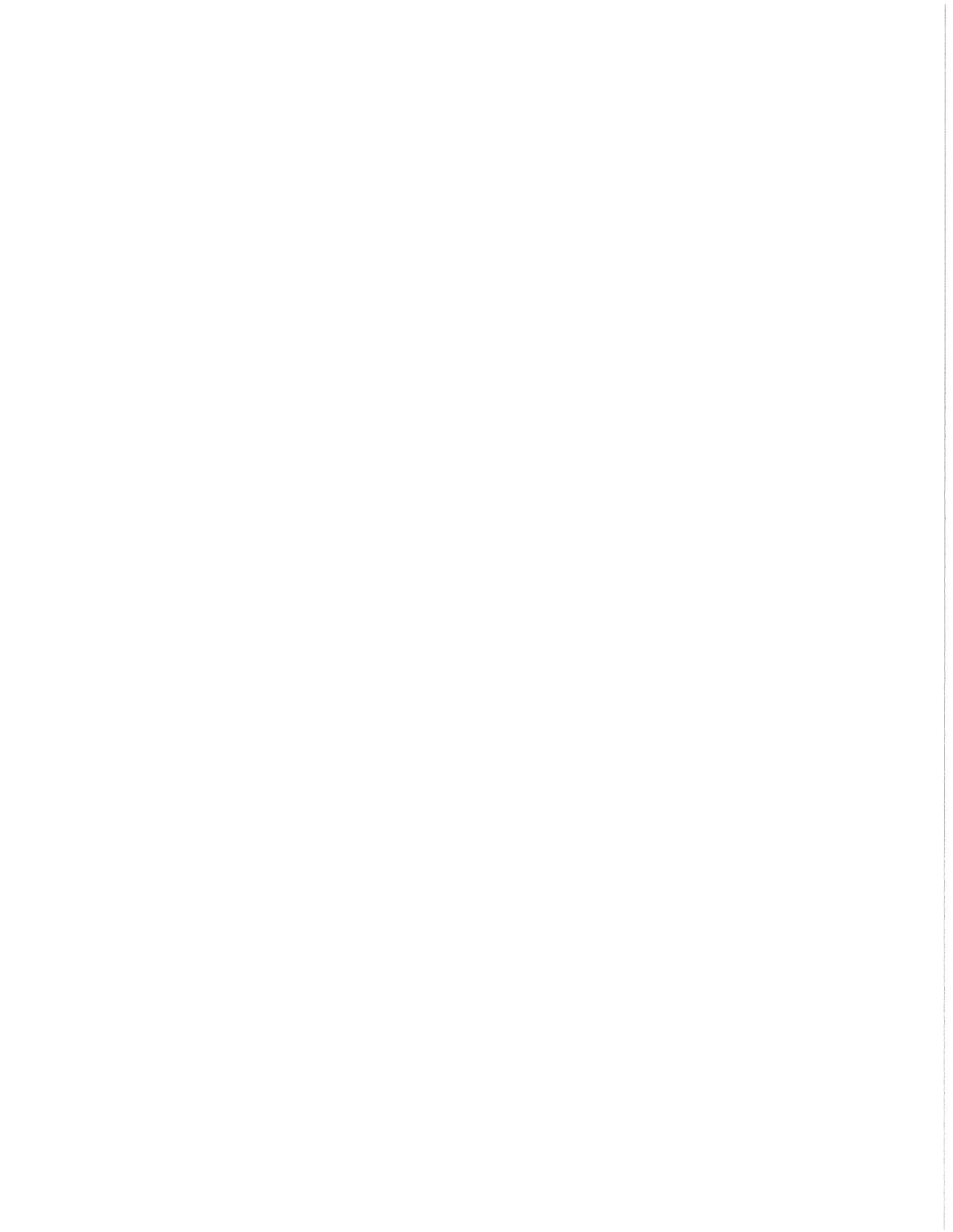
To: City Manager Alan Lanning, Mayor Engels, and City Council

From: Reba Bechtel, City Clerk

Date: November 20, 2012

Re: Bi-weekly Report

- Council minutes from November 6 completed
- Packet prep for the November 20 Council meeting
- Worked with staff on the fee schedule update that will be coming forward
- Took numerous calls about the hydrant letter that went out
- Processed, received, and issued Liquor renewal for GF Gaming Corp dba Easy Street Casino for a Retail Gaming Tavern License at 120 Main Street through November 1, 2013
- Processed, received, and issued Liquor renewal for GF Gaming Corp dba The Famous Bonanza for a Retail Gaming Tavern License at 107 Main Street through December 4, 2013



Central City - Streets

Description of Task	Date	% of Completion	Location	Comments
CDA Mine - poles, steel, wood, cleanup	3/6/2012	100%	Academy Street	
Retaining Wall - missing rocks	1/1/2013		Casey Street	Along Gregory (large scale project) (CIP 2013)
Weedwacking	6/13/2011	100%	City	Spring and Fall
City - Storm Drains	7/12/2011	45%	City	Flush all storm drains (Annually)
Signage	1/27/2012	100%	City	leaning poles, paint, direction
City	1/27/2012	Seasonal	City	banners, xmas decorations (Spring, Fall, Winter)
City Dump - burning	1/31/2012	25%	City	finish painting hydrants
Bollards - replace and paint	3/1/2012	90%	City	Burned on 10-10-12 and 10-24-12
Street Sweeping - plan (map)	3/12/2012	50%	City	replace old bollards and provide where none exist
Storm Drains - Clean out rocks	3/22/2012		City	Annually
targets police department	7/12/2012	100%	City	Chief
seal stamped sidewalks	9/11/2012	100%	City	re-seal stamped sidewalks for winter
Asphalt Patches	10/18/2012	100%	City	saw cuts made (Spring and Fall)
microphone council chambers	10/17/2012	100%	City Hall	microphone fix
Storm grates on County	10/3/2012	100%	County Street	fix grates
E 1st High - Masonic Stairs	3/26/2012	100%	E 1st High	stain steps
E 1st High - Drainage Ditch	3/26/2012		E 1st High	Museum and Church channel repair
stairs repair	8/28/2012	100%	E 1st High	Sharon Tate called in ✓
Class 6 on parking area E 4th High	8/3/2012	15%	E 4th High	fix retaining wall - concrete
Creek south side Eureka - clean out	4/30/2012	As Needed	Eureka Street	parking area
retaining wall - patch	10/1/2012	50%	Eureka Street	trash and debris
Eureka - sidewalk	1/1/2013		Eureka Street	retaining wall 208 Eureka
Sidewalk - Eureka 311 to 331	1/1/2013		Eureka Street	CIP 2013
Sidewalk - Eureka 311 to 219	1/1/2013		Eureka Street	CIP 2013
Sidewalk - Eureka 219 to 215	1/1/2013		Eureka Street	CIP 2013
Sidewalk - Thomas House red portion	1/1/2013		Eureka Street	CIP 2013
Sidewalk - Thomas House 207 to County Bldg.	1/1/2013		Eureka Street	CIP 2013
Gregory Street - trench drain, yellow house	6/7/2011	100%	Gregory Street	
Gregory Street - Wood Bridge	3/5/2012	20%	Gregory Street	remove bridge safety hazard (planner)
Speed sign on Gregory	4/12/2012	20%	Gregory Street	remove speed sign (Police Department)
Post Office - sidewalk	5/10/2012	100%	Gregory Street	repaired with cold patch oct. 12
Gregory Street - crosswalk	5/10/2012		Gregory Street	D Street
Hooper Street - driveway	5/10/2012	100%	Hooper Street	extend driveway for PW access
Hooper Street - ditch work	5/10/2012		Hooper Street	ditch work and grading
Sidewalk - D St to 212 Lawrence	3/22/2012	100%	Lawrence	condition poor
Sidewalk - Lawrence 212 to end of curb	3/22/2012	100%	Lawrence	sunk, condition poor
Clean Lights Main Street	3/22/2012	100%	Lawrence	flagstone, condition poor
Main Street - drainage at Armis	3/6/2012	As Needed	Main Street	
Streelights - Main Street	8/10/2012	100%	Main Street	stormwater
Streelights - Main Street	8/16/2012	100%	Main Street	fuses
move bench and signs	10/17/2012	100%	Main Street	move bench from big t to lucky strike on main street
Big T Lot - erosion back of lot	5/10/2012	90%	Nevada Street	remove sediment, place straw wattles
Xmas tree - placement and support	5/10/2012	100%	Nevada Street	place hole for xmas tree
Xmas tree - electrical conduit	5/10/2012	100%	Nevada Street	run electrical for tree
Slope Failure	8/16/2012	100%	Nevada Street	2nd monitoring complete - not moving
Block Lot B - Nevada Street	8/23/2012	100%	Nevada Street	People traveling through lot b - jersey barrier access
Guardrail - Parkway	9/30/2011	As Needed	Parkway	88" 3 rib to 2 rib
Parkway - frost heave	1/31/2012	100%	Parkway	guardrail
Parkway - reflectors last 3.5 miles	3/6/2012	50%	Parkway	CIP 2013
Parkway - guardrail	3/6/2012	100%	Parkway	area with existing lights, budget item
			Parkway	damaged Guardrail - 16 straight sections - order 20

Memo

To: Mayor, City Council, and City Manager
From: Greg Thompson, Community Development Director *GT*
Subject: Community Development Department Summary
Date: November 20, 2012

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

1. Met with a variety of citizens and discussed their property plans.
2. Responded to complaints received.
3. Administered the building permit function for the City.
4. Helped resolve a problem Joe in Public Works was having, by immediately finding someone who could fix some brickwork.
5. Attended an Xcel focus group meeting via conference call addressing a variety of concerns, including banners, flags and flower pots on poles.
6. Held an HPC meeting where they approved new signage for the Century parking garage vehicle entrances.
7. Got a Street Lighting Agreement signed and forwarded to Xcel for their signature. This agreement was part of the Franchise Agreement from last fall. Xcel is requesting some language changes to the agreement.
8. Completed and submitted a CLG grant for resurveying the historic properties in our community.
9. Met with the EPA, Colorado Department of Health and the Operations Director about capping the A and B lots. They are looking to do so next year if the EPA funding request is approved.
10. Met with the City Manager, Operations Director, Joe Behm and various parking garage consultants to discuss next steps.
11. Met with concerned citizen interested in extending rail travel to Central City, as well as a Gilpin County Commissioner and Jefferson County Open Space.
12. Met with a citizen interested in annexing property to the City. We discussed what they need to do to move that project forward.