

CITY OF CENTRAL, COLORADO
NOTICE OF A REGULAR MEETING of the CITY COUNCIL to be held on
Tuesday, November 6, 2012 @ 7:00 p.m.
141 Nevada Street, Central City, Colorado
AGENDA

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

7:00pm Council Meeting

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

Regular Bill lists of October 18, 25 & November 1; and
City Council minutes: October 16, 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. 12-11: 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. (Michow)
8. 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)

ACTION ITEMS: NEW BUSINESS –

9. 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. (Griffith)

10. 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)
11. Ordinance No.12-15: An ordinance adopting water rates and fees for water services. (Flowers)

REPORTS –

12. Staff updates –

COUNCIL COMMENTS - limited to 5 minutes each member.

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

ADJOURN. Next Council meeting November 20, 2012.

Posted 11/02/12

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
11/1/2012**

Total Beginning ENB Cash on Hand 9/27/2012	14,039.64
Deposits to ENB	43,626.70
Wires Out ENB	(39,839.98)
Cleared Checks	-
<u>11/1/2012</u>	<u>17,826.36</u>
<less previously approved & outstanding>	(3,570.70)
Total ENB Cash on Hand 11/1/2012	14,255.66

Total Beginning CO Biz Cash on Hand 10/11/2012	985,795.42
Deposits to COB	743,145.42 <i>Includes HP Check \$438,032</i>
Wires Out COB	(204,582.39)
Cleared Checks	(185,456.13)
<u>11/1/2012</u>	<u>1,338,902.32</u>
<less previously approved & outstanding>	(46,723.79)
Total COB Cash on Hand 11/1/12	1,292,178.53

Total Beginning Colotrust Cash on Hand 9/27/12	758,192.21
Wires into Account	9,274.73
Wires out of Account-Into Evergreen National	
Total Colotrust Cash on Hand 11/1/2012	767,466.94

***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 11/1/10 **2,073,901.13**

**CITY OF CENTRAL
DEBIT CARD PURCHASES
10/12/12 thru 11/1/12**

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Amount</u>
10/15/2012	USPS	Shipping	6.40
10/15/2012	USA Communications	Cable for Townhome	56.93
10/18/2012	Newark		21.46
10/18/2012	Pex Supply	Water Plant Supplies	57.17
10/19/2012	Paypal	PW Supplies	422.24
10/22/2012	Home Depot	Light Bulbs-PD	23.04
10/23/2012	Staples	Patrol Camera	106.78
10/25/2012	McCoy	PW Supplies	25.83
10/26/2012	Safeway	Halloween PD Candy	293.70
10/26/2012	Pex Supply	Water Plant Supplies	166.76
10/29/2012	MacNeil Automotive		69.95
10/31/2012	Sweetwater Sound		239.00
10/31/2012	The Lodge	DA's Breakfast PD	8.63
11/1/2012	ProTint	PD Vehicle	129.95
11/1/2012	Verizon Wireless	PW Bluetooth	136.78
<hr/>			
TOTAL			1,764.62

CASH FLOW
CHECK LISTING

Inv Date	Inv #	Ck. Date	CK#	Vendor	Description	Amount	Mail Date
10/12/12	1B	10/12/12	125521	Independent Painting	Painting City Hall	707.50	clrd
10/15/12	5751130873	10/18/12	125522	Clear Creek Supply	PW Supplies	19.98	
10/10/12	101012	10/18/12	125523	Susie Allen	Wildland Pack and Gators	250.00	
10/1/12	100112	10/18/12	125524	Xcel Energy	Electricity for Street Lights	10,674.85	
10/3/12	5528020	10/18/12	125525	HD Supply	Water Meter Parts	175.00	
9/6/12	CC072612	10/18/12	125526	Weekly Register Call	Ads and Notices	412.00	
10/2/12	100212	10/18/12	125527	Co Dept of Public Health	Water Permit	118.75	
10/13/12	101312	10/18/12	125528	Pitney Bowes	Postage Machine Lease	177.00	
9/30/12	21311-1312	10/18/12	125529	Widner Michow & Cox	Attorney Fees	14,019.00	
10/1/12	562346	10/18/12	125530	FSH Communications	Pay Phone Service	70.00	
10/10/12	D707991211	10/18/12	125531	YESCO	Sign Maintenance	80.00	
10/18/12	115786	10/18/12	125532	Air-O-Pure	Restrooms at Reservoir and Shop	190.00	
10/1/12	101112	10/18/12	125533	Prospectors Run HOA	Townhouse HOA for 1 year	1,980.00	
7/20/12	1102	10/18/12	125534	Peak Motor Coach	Fire Truck Repairs	160.94	
10/1/12	1978	10/18/12	125535	Finish Line Systems	Meter Parts	501.11	
		10/26/12	125536	ICMA-401	Retirement Contributions	2,359.02	clrd
		10/26/12	125537	ICMA-457	Retirement Contributions	1,136.68	clrd
		10/26/12	125538	ICMA-IRA	Retirement Contributions	281.00	Sent
		10/26/12	125539	Grossman & Grossman	Employee Garnishment	444.20	clrd
9/30/12	730077012	10/25/12	125540	DPC Industries	Chlorine for Water Plant	12.00	
10/2/12	100212	10/25/12	125541	American Water Works Assoc.	Membership for Ops Director	295.00	
10/3/12	12384	10/25/12	125542	Blackwell Oil	Fuel	4,003.43	
6/27/12	11130976CR	10/25/12	125543	Bobcat of the Rockies	Concrete Supplies	236.04	
10/15/12	101512	10/25/12	125544	CIRSA	Deductible and Claims	1,754.31	
10/2/12	5751130026	10/25/12	125545	Clear Creek Supply	PW Supplies	849.83	
10/16/12	101612	10/25/12	125546	MCI	Toll Free Telephone Service	28.90	
10/13/12	213905250	10/25/12	125547	US Bank	Photocopier Lease	377.02	
10/25/12	702388562	10/25/12	125548	USPS	Bus Shelter Lease	133.33	
10/9/12	9946678225	10/25/12	125549	Grainger	Unit Heater	737.96	
10/14/12	CC2013Budg	10/25/12	125550	Weekly Register Call	Publications	342.76	
10/5/12	416768	10/25/12	125551	Honnen Equipment	Oil Filters	13.40	
10/2/12	69537	10/25/12	125552	Galls Inc.	FD Nameplate	55.45	
9/28/12	41367	10/25/12	125553	J&S Contractors	Signs	33.98	
10/18/12	Nov-12	10/25/12	125554	Vision Service Plan	Vision Insurance	317.13	
10/25/12	3rdQtr2012	10/25/12	125555	Phil Headrick	Mileage Reimbursement	364.65	
10/18/12	7559	10/25/12	125556	Deere & Ault	General Water Consulting and Accounting	3,987.50	
10/25/12	842008	10/25/12	125557	Aflac Insurance	Supplemental Insurance	489.62	
9/30/12	7980	10/25/12	125558	Allen Technology	PW Printer Installation	100.00	
10/4/12	A056365882	10/25/12	125559	A&E Tire	Tires for PD	1,363.40	
10/10/12	9645700	10/25/12	125560	Stanley Convergent	Installation Charges	1,550.00	
10/8/12	333213	10/25/12	125561	Golder and Assoc.	Maintenance and Supplies for Water Plant	60.00	
10/3/12	50266665	10/25/12	125562	Rocky Mtn. Power Generation	Change Water Pump	2,677.59	

CASH FLOW
CHECK LISTING

11/1/2012

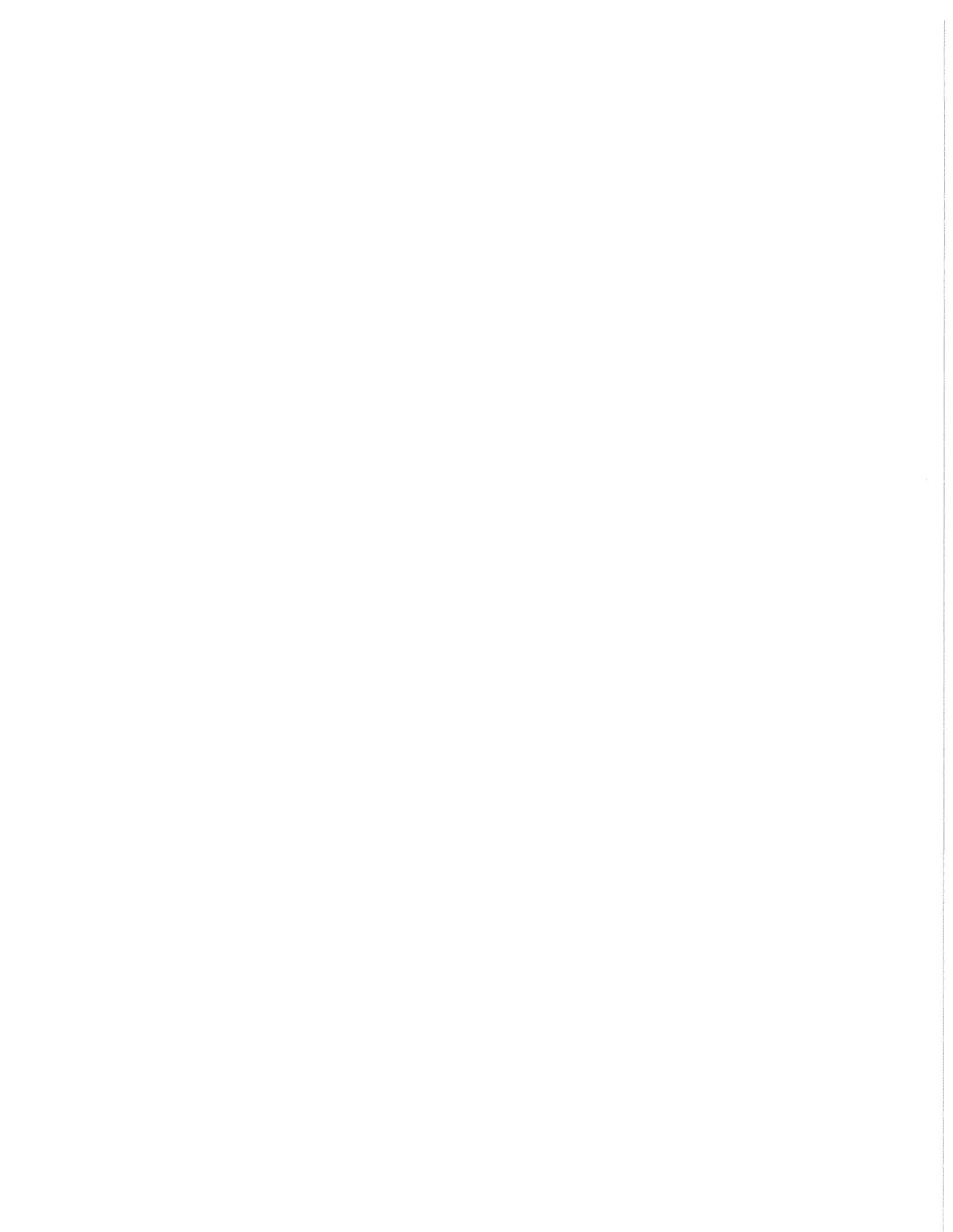
10/16/12	38342	10/25/12	125563	Peak Performance Imaging	Metered Photocopies	274.26
10/3/12	2000896133	10/25/12	125564	E-470 Public Highway Authority	Toll for E-470	9.45
10/9/12	3	10/25/12	125565	Independent Painting	Final Payment for City Hall Painting	4,292.50 clrd
7/17/12	24981	10/25/12	125566	LA Distributing	VC Inventory	100.90
9/25/12	44194	10/25/12	125567	Alert Shirt Company	PW Uniforms	726.55
10/17/12	49562	10/25/12	125568	Kois Brothers	Snow Plow Parts	5,884.00
10/15/12	2295725	10/25/12	125569	EDS Waste Solutions	Dumpster Rental	75.00
9/24/12	43652	10/25/12	125570	JVA Inc.	Chase Dam, Standards and Specs, Spring St	3,439.20
10/15/12	11024028	10/25/12	125571	Martin Marietta	Asphalt	600.25
10/4/12	3538753	10/25/12	125572	EJ USA	PW Supplies	372.56
10/11/12	P127429	10/25/12	125573	Universal Tractor	Tire Chains	140.75
10/1/12	6550	10/25/12	125574	Command Concepts	PD Incident Command Boards	526.16
10/2/12	51587	10/25/12	125575	Nathan Bremer Dumm & Myers	Balloon Lawsuit	8,639.74
10/17/12	101712	10/25/12	125576	Cogent	Water Repairs	3,602.95
10/24/12	102412	10/25/12	125577	Greg Thompson	Moving Expense Reimbursement	175.55
10/1/12	174561	10/25/12	125578	Everist Materials	Rock and Gravel	3,557.38
10/21/12	2130	10/25/12	125579	Colorado Coach Transportation	Shuttle Service for November	33,126.60 Sent
10/19/12	Nov-12	10/25/12	125580	Assurant Employee Benefits	Dental Premiums	1,781.41
10/30/12	103012	10/30/12	125581	Employee	Pay Advance	1,200.00
10/22/12	121551	11/1/12	125582	CIRSA	3rd Qtr Changes	99.00
10/22/12	5751131245	11/1/12	125583	Clear Creek Supply	PW Supplies	216.34
11/1/12	Mar-12	11/1/12	125584	CO State Treasurer	SUTA 3rd Qtr	1,105.28
11/1/12	Nov-12	11/1/12	125585	Gilpin Ambulance	Ambulance Service for Nov	12,750.00
10/5/12	13920741	11/1/12	125586	Motorola Inc	FD Radio Upgrades	14,700.00
10/23/12	102312	11/1/12	125587	Xcel Energy	Electricity	164.07
10/21/12	102112	11/1/12	125588	Purchase Power	Postage	419.99
10/25/12	85494	11/1/12	125589	Raven Printing	Summons Printing	1,971.83
10/26/12	390628048	11/1/12	125590	Cintas	1st Aid Supply	79.97
10/29/12	132559	11/1/12	125591	Spritzer Fleet Products	Repair FD Equipment	202.56
10/1/12	101612	11/1/12	125592	Century Link	Telephone and Fax Lines	721.91
10/19/12	420239	11/1/12	125593	Honnen Equipment	Fluid Sample Kit	156.00
10/22/12	102212	11/1/12	125594	Walmart	PW & FD Supplies	249.46
10/25/12	102512	11/1/12	125595	Skybeam	Internet for Water Plant	75.34
11/1/12	4204	11/1/12	125596	Prospectors Run HOA	Snow Removal for Nov on Mack Road	800.00
10/16/12	1129067620	11/1/12	125597	Verizon Wireless	Internet for Water General	80.07
10/24/12	102412	11/1/12	125598	USA Communications	Internet for PW and Town Home	165.73
10/21/12	10226612	11/1/12	125599	Integra Telecom	Phone Services	712.82
10/28/12	11113	11/1/12	125600	ROI Fire and Ballistics	Structure Gloves-FD	276.00
10/29/12	1148684	11/1/12	125601	Black & Veatch	Master Water Plan	17,468.18
10/23/12	S168641000	11/1/12	125602	Pritek North Valley	Auto Parts and Supplies	20.81
11/1/12	110111	11/1/12	125603	Teddi Vairma	224 Lawrence HP Grant	7,310.00
10/13/12	123669	11/1/12	125604	Ground Engineering	CCP Pavement Evaluation	3,700.00
10/16/12	121026	11/1/12	125605	Tactron	FD Engraved Items	688.17

CASH FLOW
CHECK LISTING

11/11/2012

10/31/12	103112	11/1/12	125606	John Hough	Reimbursement for Car Supplies	24.66
11/1/12	110112	11/1/12	125607	Colorado LTAP	Training for Ops Director	75.00
10/18/12	175431	11/1/12	125608	Everist Materials	Salt and Sand	479.50
Total Issued:						237,072.72
Approved & Sent Checks:						50,294.49
Clrd & Pending Approval						4,928.40
Voided Checks						-
Total Pending Approval 11/6						186,778.23

Outstanding through ENB 3,570.70
Outstanding through COB 46,723.79



**CITY OF CENTRAL
CITY COUNCIL MEETING
October 16, 2012**

CALL TO ORDER

A regular meeting of the City Council for the City of Central was called to order by Mayor Engels at 7:05 p.m., in City Hall on October 16, 2012.

ROLL CALL

Present: Mayor Engels
Alderman Spain
Alderman Giancola
Alderman Lee

Absent: Alderman Voorhies

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

The Pledge of Allegiance was recited by all present.

ADDITIONS AND/OR AMENDMENTS TO THE AGENDA

The agenda was approved as presented.

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 4 and 11, 2012; and the City Council minutes of October 2, 2012. Alderman Giancola seconded, and without discussion, the motion carried unanimously.

PUBLIC FORUM/AUDIENCE PARTICIPATION

No one requested time to address the Council.

NEW BUSINESS

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.

Attorney Michow explained that in 2011, the City engaged in and completed a visioning process with the casino community and the CCBID. Through that process, the public and private stakeholders involved voiced a strong desire to provide additional marketing for the City at large. One of the results

of that process was a recommendation to impose a separate \$5.00 per month per gaming device fee, the revenues of which would be allocated specifically for advertising and marketing purposes. The marketing device fee is separate from the transportation improvements device fee (currently set at \$22.08 per month per device). The revenues collected by the City from the marketing device fee are remitted to the CCBID pursuant to the terms of an intergovernmental agreement between the City and the CCBID (the "IGA"). The main purpose of the IGA is to establish the terms and conditions under which the marketing device fee revenues are remitted to the CCBID (including CCBID's requirement to provide a report to the City regarding its use of the marketing device fee revenues), and to memorialize the joint marketing and advertising efforts of the City and CCBID. The IGA will need to be amended with second reading on November 20th. The City and the CCBID desire to extend the marketing device fee for calendar year 2013.

Alderman Spain moved to adopt 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 and setting the public hearing has for November 20, 2012 at 7:00 p.m. Alderman Giancoloa seconded, and without discussion, the motion carried unanimously.

Appointment of Alternate to Gilpin County Ambulance Board

Manager Lanning explained that the Ambulance Board is asking for alternates from all participating agencies due to some absences which have caused delays in the financial approvals and therefore, Finance Director Flowers makes the appropriate alternate. Mayor Engels concurred since Shannon is in the office. Alderman Spain moved to approve Finance Director Flowers as the alternate to the Gilpin County Ambulance Board. Alderman Giancola seconded, and without discussion, the motion carried unanimously.

STAFF REPORTS

Manager Lanning reported the following:

City Properties – update by year-end on the interest in properties

Hidahl issue – request to impose an easement across Ms. Rogers property is not the best legal solution so staff is working with a 3rd adjacent property owner to discuss an easement along the property line. Mr. Hidahl will pay for installation of the line with no tap fee cost.

Work Sessions – to be scheduled before each Council meeting through year-end

Xcel – 13 other communities on a phone conferenced meeting which was mostly PR rather than problem solving. Staff is working on an ordinance for the use of poles.

Mayor Engels asked about the status on the Rickville House. CDD Thompson stated that a contract has been signed and the new owner plans to move the building to Nevadaville next spring.

COUNCIL COMMENTS

No comments were made by Council.

PUBLIC FORUM/AUDIENCE PARTICIPATION

No one requested time to address the Council.

Hearing no further business, Mayor Engels adjourned the meeting at 7:24 p.m. The next meeting is scheduled for November 6, 2012 at 7:00 p.m.



AGENDA ITEM # 7

CITY COUNCIL COMMUNICATION FORM

TO: Mayor Engels and Members of City Council
FROM: Marcus McAskin, Assistant City Attorney
DATE: November 6, 2012
ITEM: Ordinance 12-11

ORDINANCE
 MOTION
 INFORMATION

- I. **REQUEST OR ISSUE:** The City Council is being asked to consider Ordinance No. 12-11 on second reading. The purpose of the Ordinance is to adopt the 2010 Model Traffic Code.

The Central City Municipal Court (the "Court") and the Police Department ("CCPD") have requested that the City adopt the 2010 Model Traffic Code.

- II. **RECOMMENDED ACTION / NEXT STEP:** Approve Ordinance 12-11 on second reading following a public hearing.

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.

- III. **FISCAL IMPACTS:** The proposed adoption of the 2010 Model Traffic Code is expected to have no substantive fiscal impact.

IV. BACKGROUND INFORMATION:

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 through the proposed Ordinance (Ordinance 12-11). Modifications to the 2010 Model Traffic Code include the following:

- Section 236 of the Model Traffic Code was amended to reflect the current version of C.R.S. § 42-4-236, which includes changes that were made during the 2011 legislative session.
- Section 1701 of the Model Traffic Code, which classifies and sets penalties for traffic offenses, will not be adopted because the City (through the Court) separately establishes its own fines and penalties.

A copy of the Court's current fine schedule (adopted via order dated October 2, 2012) is attached to this Council Communication Form 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.

V. **LEGAL ISSUES:** The City is authorized to enact Ordinance No. 12-11 pursuant to its home rule authority. Further, the City is authorized to adopt the 2010 Model Traffic Code pursuant to Part 2, Article 16 of Title 31, C.R.S.

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

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

- (1) Approve Ordinance 12-11 on second reading, following public hearing;
- (2) Direct staff to make revisions to the Ordinance and continue the public hearing on this matter to a date certain; or
- (3) Reject or deny the Ordinance.

Attachments:

Exhibit A Court Order dated October 2, 2012 (adopting suggested Fine Schedule).

**CITY OF CENTRAL, COLORADO
ORDINANCE 12-11**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CENTRAL, COLORADO REGULATING VEHICLES AND TRAFFIC; AMENDING
CERTAIN PROVISIONS OF ARTICLE I 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**

WHEREAS, by Ordinance No. 05-11, the City of Central adopted by reference the 2003 edition of the Model Traffic Code for Colorado, as promulgated by the Colorado Department of Transportation (the “2003 Model Traffic Code”); and

WHEREAS, in order to protect and preserve the health, safety and welfare of its residents, the City Council wishes to adopt by reference the 2010 edition of the Model Traffic Code for Colorado, as promulgated by the Colorado Department of Transportation (the “2010 Model Traffic Code”); and

WHEREAS, the City of Central has twice published notice of a public hearing as required by C.R.S. § 31-16-203, and such notice contained the information required by C.R.S. § 31-16-203; and

WHEREAS, in accordance with C.R.S. § 31-16-206, at least three (3) copies of the 2010 Model Traffic Code are on file in the office of the City Clerk and have been made available for public inspection at least fifteen (15) days prior to the public hearing for adoption of this ordinance; and

WHEREAS, the penalty clause is set forth in full herein and shall be published along with this adopting Ordinance in full upon adoption; and

WHEREAS, the City Council has determined that it is in the best interest of the citizens of the City to adopt by reference the 2010 Model Traffic Code, as set forth herein below; and

WHEREAS, the City finds that the adoption of this Ordinance is a proper exercise of the City’s police power and that it is in the best interest of the public health, safety, and welfare of the citizens of the City to regulate the use of the public rights-of-way and public property and to prescribe the penalties for violations thereof.

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

Section 1. Article I of Chapter 8, currently titled “Model Traffic Code” is hereby repealed and replaced to read in its entirety as follows:

CHAPTER 8

Vehicles and Traffic

Article I Model Traffic Code

Sec. 8-1	Adoption
Sec. 8-2	Application
Sec. 8-3	Definitions
Sec. 8-4	Deletions, Additions or Modifications
Sec. 8-5	Citation to State Statutes
Sec. 8-6	Violation and Penalties
Sec. 8-7	Interpretation
Sec. 8-8	Certification

Sec. 8-1. Adoption.

Pursuant to Parts 1 and 2 of Article 16 of Title 31, C.R.S., as amended, there is hereby adopted by reference the Revised 2010 Model Traffic Code for Colorado (“Model Traffic Code”) as promulgated and published as such by the Colorado Department of Transportation, Safety and Traffic Engineering Branch, 4201 E. Arkansas Avenue, EP 700, Denver, Colorado 80222. The subject matter of the adopted Model Traffic Code relates primarily to comprehensive traffic control regulations of the City. The purpose of this Ordinance and those portions of the Model Traffic Code adopted herein is to provide a system of traffic control regulation consistent with State law and generally conforming to similar regulations throughout the State of Colorado and the nation. Copies of the Model Traffic Code adopted herein are on file in the office of the Clerk of the City of Central, and may be inspected during regular business hours.

Sec. 8-2. Application

This Article shall apply to every street, alley, sidewalk area, driveway, park, and to every other public way or public place or public parking area, either within or without the corporate limits of the City, the use of which the City has jurisdiction and authority to regulate. This Article shall in no way limit application and enforcement of any statutes of the State of Colorado but shall be in addition thereto. The provisions of Sections 1401, 1402, and 1413 of the adopted Model Traffic Code, respectively, concerning reckless driving, careless driving and eluding a police officer shall apply not only to public places and ways but also throughout the City.

Sec. 8-3. Definitions.

As used in this Article, unless the context clearly indicates otherwise, the words defined below shall have the respective meanings set forth for them:

City means City of Central, Colorado.

Law Enforcement Officers shall mean law enforcement personnel of the City including City Police Department personnel and any entity with whom the City may contract with to provide law enforcement services from time to time.

Official Traffic Control Device means any sign, signal, marking and/or device, placed or displayed by authority of a public body or official having jurisdiction, for the purpose of regulating, warning, or guiding traffic.

Owner means a person who holds the legal title of a vehicle, or, if a vehicle is the subject of an agreement for the conditional sale or lease thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee or lessee or if a mortgagor of a vehicle is entitled to possession, then such conditional vendee or lessee or mortgagee shall be deemed the owner for purposes herein. The term also includes parties otherwise having lawful use or control or the right to use or control vehicle for a period of thirty (30) days or more.

Park or parking means the standing of a vehicle, whether occupied or not, other than very briefly for the purpose of and while actually engaged in loading or unloading property or passengers.

Stand or standing means the halting of a vehicle, whether occupied or not other than momentarily for the purpose of and while actually engaged in receiving or discharging passengers.

Stop or stopping means, when prohibited, any halting, even momentarily, of a vehicle, whether occupied or not, except when necessary to avoid conflict with other traffic or in compliance with the directions of a Law Enforcement Officer or Official Traffic Control Device.

Vehicle means any device which is capable of moving itself, or of being moved, from place to place upon wheels or endless tracks.

Sec. 8-4. Deletions, Additions or Modifications.

The Model Traffic Code is adopted as if set out at length save and except the following articles and/or sections are subject to the deletions, additions and/or modifications as set forth below. Articles and/or sections identified as “deleted” are hereby determined to be inapplicable to the City of Central, Colorado.

A. Section 103(2) and 103(2)(b) “Scope and effect of Code – exceptions to provisions” are repealed in their entirety and reenacted to provide:

(2) The provisions of this code relating to the operation of the vehicles and the movement of pedestrians shall apply to every street, alley, sidewalk, driveway, park and to every other public way or public place or public parking area within

or outside of the corporate limits of the municipality, the use of which the municipality has jurisdiction and authority to regulate except:

(b) For sections 1401, 1402, and 1413 of the code pertaining to reckless driving, careless driving and eluding a police officer shall apply to all land, areas, property (including private property) within or outside the corporate limits of the municipality, the use of which the municipality has jurisdiction and the authority to regulate.

B. Section 103(3) of the Model Traffic Code is enacted to provide:

(3) All provisions in this code establishing offenses as Class A or B traffic infractions or Class 1 or Class 2 misdemeanor offenses, and establishing fines and other sentencing conditions in relation to such offenses, shall be repealed in their entirety, it being the intent that any violation of this code be subject to the City's general penalty provision set forth in Section 1-72 of the Municipal Code.

C. Section 104 of the Model Traffic Code is enacted to provide:

(1) It shall be the duty of the Law Enforcement Officers to enforce all traffic regulations of the City and all of the State laws applicable to the City.

(2) Police officers are hereby authorized to direct all traffic by voice, hand or signal in conformance with State traffic laws and this code; provided that, in the event of fire or emergency, or to expedite traffic or protect pedestrians, Law Enforcement Officers may direct traffic as conditions may require notwithstanding the provisions of State traffic laws or this code.

(3) Fire department personnel, when at the scene of a fire or other emergency, may at the direction of authorized Law Enforcement Officers assist such Law Enforcement Officers with directing traffic.

D. Section 106(4) of the Model Traffic Code is enacted to provide:

(4) The use of certain streets and roadways by motorized vehicles, trucks or other commercial vehicles, bicycles or other non-motorized vehicles shall be restricted or prohibited when official signs giving notice thereof are erected thereon.

E. Section 110(4) "Provisions uniform throughout jurisdiction" is amended by deleting the phrase "City or Town Council or Board of County Commissioners" and replacing it with the phrase "the City."

F. Section 114(4) "Removal of traffic hazards" is enacted to provide:

If the City is not reimbursed within forty-five (45) calendar days after the property owner has been provided a demand for payment, the amount due shall

become a lien against the property and certified by the City's Finance Director and recorded with the Office of the Gilpin County Treasurer. Such lien shall have priority over all other liens except general taxes. The Gilpin County Treasurer shall collect and pay over to the City such charges in the same manner as the Treasurer is authorized to collect delinquent general property taxes.

G. Section 236 is deleted and replaced in its entirety with the following:

236. Child restraint systems required – definitions – exemptions.

(1) As used in this section, unless the context otherwise requires:

(a) "Child care center" means a facility required to be licensed under the "Child Care Licensing Act", Article 6 of Title 26, C.R.S.

(a.3) Deleted.

(a.5) "Child restraint system" means a specially designed seating system that is designed to protect, hold, or restrain a child in a motor vehicle in such a way as to prevent or minimize injury to the child in the event of a motor vehicle accident that is either permanently affixed to a motor vehicle or is affixed to such vehicle by a safety belt or a universal attachment system, and that meets the federal motor vehicle safety standards set forth in section 49 CFR 571.213, as amended.

(a.7) Deleted.

(a.8) "Motor vehicle" means a passenger car; a pickup truck; or a van, minivan, or sport utility vehicle with a gross vehicle weight rating of less than ten thousand (10,000) pounds. "Motor vehicle" does not include motorcycles, low-power scooters, motorscooters, motorbicycles, motorized bicycles, and farm tractors and implements of husbandry designed primarily or exclusively for use in agricultural operations.

(b) "Safety belt" means a lap belt, a shoulder belt, or any other belt or combination of belts installed in a motor vehicle to restrain drivers and passengers, except any such belt that is physically a part of a child restraint system. "Safety belt" includes the anchorages, the buckles, and all other equipment directly related to the operation of safety belts. Proper use of a safety belt means the shoulder belt, if present, crosses the shoulder and chest and the lap belt crosses the hips, touching the thighs.

(c) "Seating position" means any motor vehicle interior space intended by the motor vehicle manufacturer to provide seating accommodation while the motor vehicle is in motion.

(2) (a) (I) Unless exempted pursuant to subsection (3) of this section and except as otherwise provided in subparagraphs (II) and (III) of this paragraph (a), every child who is under eight (8) years of age and who is being transported in this State in a motor vehicle or in a vehicle operated by a child care center, shall be properly restrained in a child restraint system, according to the manufacturer's instructions.

(II) If the child is less than one (1) year of age and weighs less than twenty (20) pounds, the child shall be properly restrained in a rear-facing child restraint system in a rear seat of the vehicle.

(III) If the child is one (1) year of age or older, but less than four (4) years of age, and weighs less than forty (40) pounds, but at least twenty (20) pounds, the child shall be properly restrained in a rear-facing or forward-facing child restraint system.

(b) Unless excepted pursuant to subsection (3) of this section, every child who is at least eight (8) years of age but less than sixteen (16) years of age who is being transported in this state in a motor vehicle or in a vehicle operated by a child care center, shall be properly restrained in a safety belt or child restraint system according to the manufacturer's instructions.

(c) If a parent is in the motor vehicle, it is the responsibility of the parent to ensure that his or her child or children are provided with and that they properly use a child restraint system or safety belt system. If a parent is not in the motor vehicle, it is the responsibility of the driver transporting a child or children, subject to the requirements of this section, to ensure that such children are provided with and that they properly use a child restraint system or safety belt system.

(3) Except as provided in section 42-2-105.5(4), C.R.S., subsection (2) of this section does not apply to a child who:

(a) Repealed.

(b) Is less than eight (8) years of age and is being transported in a motor vehicle as a result of a medical or other life-threatening emergency and a child restraint system is not available;

(c) Is being transported in a commercial motor vehicle, as defined in Section 42-2-402 (4)(a), C.R.S., that is operated by a child care center;

(d) Is the driver of a motor vehicle and is subject to the safety belt requirements provided in Section 42-4-237, C.R.S.;

(e) Deleted.

(f) Is being transported in a motor vehicle that is operated in the business of transporting persons for compensation or hire by or on behalf of a common carrier or a contract carrier as those terms are defined in Section 40-10.1-101, C.R.S., or an operator of a luxury limousine service as defined in Section 40-10.1-301, C.R.S.

(4) Deleted.

(5) No person shall use a safety belt or child restraint system, whichever is applicable under the provisions of this section, for children under sixteen (16) years of age in a motor vehicle unless it conforms to all applicable federal motor vehicle safety standards.

(6) Any violation of this section shall not constitute negligence per se or contributory negligence per se.

(7) (a) Except as otherwise provided in paragraph (b) of this subsection (7), any person who violates any provision of this section 236 commits a violation of the model traffic code, as adopted by this Ordinance.

(b) A minor driver under eighteen (18) years of age who violates this section shall be punished in accordance with Section 42-2-105.5(5)(b), C.R.S.

(8) The fine may be waived if the defendant presents the court with satisfactory evidence of proof of the acquisition, purchase, or rental of a child restraint system by the time of the court appearance.

H. Section 1101(1) "Speed limits" is amended by deleting the phrase "is reasonable and prudent under the conditions then existing," and replacing it with the phrase "the maximum lawful speed limit."

I. Section 1101(5) "Speed limits" is amended by deleting the phrase "alleged reasonable and prudent speed," and replacing it with the phrase "maximum lawful speed limit."

J. Section 1204(2)(b) "Stopping, standing or parking prohibited in specified places" is amended by deleting the phrase "fifteen feet" and replacing it with the phrase "seven and one-half feet".

On those streets which have been designated and signed or marked for angle parking, no person shall stop, stand or park a vehicle other than at the angle to the curb or edge of the roadway indicated by such signs or markings.

K. Section 1209 "Owner liability for parking violations" is amended by the addition of the following sentence:

In any prosecution charging a violation of any provision of this Part 12 governing the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the complaint was parked in violation of any such regulation, together with proof that the defendant named in the complaint was at the time of such parking the registered owner of such vehicle, shall constitute an evidentiary prima facie presumption that the registered owner of such vehicle was the person who parked or placed such vehicle at the point where, and for the time during which, such violation occurred.

L. Section 1210 “Designated areas on private property for authorized vehicles” is deleted in its entirety.

M. Section 1409 is deleted and replaced in its entirety with the following:

1409. Compulsory insurance – penalty.

(1) No owner of a motor vehicle or low-power scooter required to be registered in this State, or of a low-speed electric vehicle, shall operate the vehicle or permit it to be operated on the public highways of this State when the owner has failed to have a complying policy or certificate of self-insurance in full force and effect as required by law.

(2) No person shall operate a motor vehicle, low-power scooter or low-speed electric vehicle on the public highways of this State without a complying policy or certificate of self-insurance in full force and effect as required by law.

(3) When an accident occurs, or when requested to do so following any lawful traffic contact or during any traffic investigation by a law enforcement officer, no owner or operator of a motor vehicle, low-power scooter or low-speed electric vehicle shall fail to present to the requesting officer immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law.

(4) (a) Any person who violates the provisions of subsection (1), (2), or (3) of this section commits a traffic offense. The defendant shall be punished by a minimum mandatory fine of not less than five hundred dollars (\$500.00). The court may suspend up to one half of the fine upon a showing that appropriate insurance as required pursuant to Section 10-4-619 or 10-4-624, C.R.S., has been obtained. Nothing in this paragraph (a) shall be construed to prevent the court from imposing a fine greater than the minimum mandatory fine.

(b) Upon a second or subsequent conviction under this section within a period of five (5) years following a prior conviction under this section, in addition to any imprisonment imposed pursuant to law, the defendant shall be punished by a minimum mandatory fine of not less than one thousand dollars (\$1,000.00), and the court shall not suspend such minimum fine. The court or the court collections’ investigator may establish a payment schedule for a person convicted

of the provisions of subsection (1), (2), or (3) of this section, and the provisions of Section 16-11-101.6, C.R.S., shall apply. The court may suspend up to one half of the fine upon a showing that appropriate insurance as required pursuant to Section 10-4-619 or 10-4-624, C.R.S., has been obtained.

(c) In addition to the penalties prescribed in paragraphs (a) and (b) of this subsection (4), any person convicted pursuant to this section may, at the discretion of this court, be sentenced to perform not less than forty (40) hours of community service, subject to the provisions of Section 18-1.3-507, C.R.S.

(5) Testimony of the failure of any owner or operator of a motor vehicle, low-power scooter or low-speed electric vehicle to present immediate evidence of a complying policy or certificate of self-insurance in full force and effect as required by law, when requested to do so by a law enforcement officer, shall constitute prima facie evidence, at a trial concerning a violation charged under subsection (1) or (2) of this section, that such owner or operator of a motor vehicle violated subsection (1) or (2) of this section.

(6) No person charged with violating subsection (1), (2), or (3) of this section shall be convicted if the person produced in court a bona fide complying policy or certificate of self-insurance that was in full force and effect as required by law at the time of the alleged violation.

(7) The owner of a motor vehicle, low power scooter or low-speed electric vehicle, upon receipt of an affirmation of insurance as described in Section 42-3-113(2) and (3), C.R.S., shall sign and date such affirmation in the space provided.

N. The Model Traffic Code is further amended by the addition of a new section 1416 entitled "Minor driver restrictions" to read as follows in its entirety:

1416. Minor driver restrictions.

(1) Occupants in motor vehicles driven by persons under seventeen (17) years of age shall wear safety belts or be secured in a child restraint system as required by sections 236 and 237 of this code.

(2) No more than one (1) passenger shall occupy the front seat of the motor vehicle driven by a person under seventeen (17) years of ages and the number of passengers in the back seat of such vehicle shall not exceed the number of safety belts.

O. The preface to Part 17, Penalties and Procedures, is deleted in its entirety.

P. Section 1701 "Traffic offenses and infractions classified – penalties – penalty and surcharge schedule – repeal" is deleted and replaced in its entirety to read as follows:

(1) Except as set forth herein, it is a traffic infraction for any person to violate any of the code provisions set forth herein, as may specifically be amended by this Ordinance. Such a traffic infraction shall constitute a civil matter. The Colorado municipal court rules of procedure shall apply to traffic infraction proceedings, except that no bench warrant for arrest shall be issued for a defendant's failure to appear when the only violation charged is a non-criminal traffic infraction. Instead, the court may enter judgment of liability by default against the defendant for failure to appear, assess any penalty and costs established by law and report the judgment to the Colorado Department of Revenue, Motor Vehicle Division, or to the motor vehicle department of any other State which participates in the Interstate Non-Resident Violator Compact, as codified at Section 24-60-2101, C.R.S., which may assess points against the defendant's driver's license and may take appropriate action to ensure that the judgment is satisfied. There is no right to trial by jury for any non-criminal traffic infraction.

(2) The following violations constitute criminal traffic offenses:

(a) A violation of section 1101(1) of the Model Traffic Code as adopted by this Ordinance involving driving twenty-five (25) or more miles per hour in excess of the maximum lawful speed limit or in excess of the lawful speed limit that is a criminal traffic offense.

(b) A violation of any of the following sections of the Model Traffic Code as adopted by this Ordinance: 107 (obedience to police officers), 507 (wheel and axle loads), 508 (gross weight of vehicles and loads), 705(2), 705(2.5) and 705(2.6) (operation of vehicle approached by emergency vehicle), 1105 (speed contests), 1208 (parking privileges for persons with disabilities), 1401 (reckless driving), 1402 (careless driving), 1409 (failure to show compulsory insurance), 1413 (eluding or attempting to elude police officer), 1703 (aiding or abetting a traffic offense), 1704 (offenses by persons controlling vehicles), and 1903 (failure to stop for a school bus).

(3) (a) Traffic infractions shall be subject to the following penalties:

Minimum Penalty	Maximum Penalty
A fine of \$25.00	A fine of up to \$1,000.00

Traffic offenses shall be subject to the following penalties:

Minimum Sentence / Penalty	Maximum Sentence / Penalty
1 day imprisonment, or fine of \$25.00, or both	Up to 1 year imprisonment, or a fine of up to \$1,000.00, or both

Subject to the minimum and maximum penalty limitations as set forth in this subsection (P)(3)(a) for each and every violation of this Article, and pursuant to C.M.C.R. 210(b)(4), the municipal court of the City may, by order, publish a suggested fine schedule (the "Fine Schedule"), which may from time to time be amended, supplemented, or repealed. The court may also designate the traffic offenses and infractions, the penalties for which may be paid at the office of the court clerk, and is therefore vested with jurisdiction to amend the Fine Schedule. The fines and penalties imposed by the municipal court will be within the limits set forth in this subsection (P)(3)(a).

In addition, the City Council of the City of Central may, from time to time, amend, repeal or supplement the Fine Schedule by resolution duly adopted following a public hearing thereon. Any changes to the Fine Schedule approved by the City Council shall be prominently posted in the municipal court, in a place where fines are to be paid, and in the office of the City Clerk.

(b) Court costs as authorized by State law and the municipal court shall be added to the fines and penalties set forth in the Fine Schedule.

(c) Any person convicted of a traffic infraction may be required to pay restitution as required by Article 18.5 of Title 16, C.R.S., and may be sentenced to perform a certain number of hours of community or useful public service in addition to any other sentence provided by subsection (3)(a) of this section.

(d) Every person who is convicted of, who admits liability for, or against whom a judgment is entered for a violation of any provision of this code shall be fined or penalized, and have a surcharge levied thereon, pursuant to any surcharge that has been or may be lawfully enacted by the City Council from time to time.

(e) All fines, costs and surcharges shall be paid to, receipted by, and accounted for by the violations clerk or court clerk. Nothing in this Article shall affect the jurisdiction of the municipal court to waive certain fines, costs and surcharges, based upon the particular facts of the case presented.

Q. Section 1702 "Counties - traffic offenses classified - schedule of fines" is deleted in its entirety.

R. Section 1705 "Person arrested to be taken before the proper court" is hereby added as follows:

1705. Person arrested to be taken before the proper court.

(1) Whenever any person is arrested by a police officer for any violation of this code, the arrested person shall, in the discretion of the officer, either be given a written notice or summons to appear in court as provided in section 1707 or be taken without unnecessary delay before a municipal or county judge who has

jurisdiction of such offense when the arrested person does not furnish satisfactory evidence of identity or when the officer has reasonable and probable grounds to believe the person will disregard a written promise to appear in court or will disregard a summons to appear. The court shall provide a bail bond schedule and available personnel to accept adequate security for such bail bonds.

(2) Any other provision of law to the contrary notwithstanding, a police officer may place a person who has been arrested and charged with a violation of Section 42-4-1301, C.R.S., and who has been given a written notice or summons to appear in court as provided in section 1707 in a State-approved treatment facility or alcoholism even though entry or other record of such arrest has been made. Such placement shall be governed by Part 3 of Article 1 of Title 25, C.R.S., except where in conflict with this section.

S. Section 1707 “Summons and complaint for traffic violations” is hereby added as follows:

1707. Summons and complaint for traffic violations.

(1) Whenever a person commits a violation of this Ordinance, and such person is not required by the provisions of section 1705 to be arrested and taken without unnecessary delay before a municipal judge, the law enforcement officer may issue and serve upon the defendant a summons and complaint which shall contain the name and address of the defendant, the license number of the vehicle involved, if any, the number of the defendant’s driver’s license, if any, a citation of the statute or Model Traffic Code section alleged to have been violated, a brief description of the offense, the date and approximate location thereof, and the date the summons and complaint is served on the defendant; shall direct the defendant to appear in or otherwise respond to the City municipal court, at a specified time and place; shall be signed by the law enforcement officer; and shall contain a place for the defendant to execute a written promise to appear at the time and place specified in the summons portion of the summons and complaint.

(2) The City of Central may offer or extend to a defendant the opportunity for the defendant to pay a penalty assessment for a non-criminal traffic infraction prior to the date and time scheduled for the defendant’s appearance in City municipal court. Whenever a penalty assessment is made available for a traffic infraction, the defendant shall be required to execute a signed acknowledgment of guilt and shall pay the penalty prescribed by the City within a specified period of time, as well as provide such other information as may be required by the City. Payment of a penalty assessment notice by the person to whom the notice is tendered shall constitute an acknowledgment of guilt by such person of his or her violation of the offense stated in such notice and shall be deemed a complete satisfaction for the violation, and the City, upon accepting the prescribed fine, shall issue a receipt to the violator acknowledging payment thereof, if requested.

T. Section 1709(1) "Penalty assessment notice for traffic offenses – violations of provisions by officer – driver's license" is amended by inserting the phrase "or code provision," after the phrase "citation of the statute" and by inserting the phrase "or municipal" after the phrase "in a specified county court."

U. Section 1710(3) "Failure to pay penalty for traffic offenses – failure of parent or guardian to sign penalty assessment notice – procedures" is amended by adding the phrase "or Rule 248(b) of the Colorado Municipal Court Rules" after the phrase "in Section 18-1-405, C.R.S."

V. Section 1710(5) "Failure to pay penalty for traffic offenses – failure of parent or guardian to sign penalty assessment notice – procedures" is enacted to provide:

(5) (a) Upon the date and at the time for appearance, if the defendant fails to appear and if the prosecution proves to the satisfaction of the Judge that venue is property and that defendant was served a summons and complaint at least ten (10) calendar days prior to the appearance date, the Judge may, for traffic offenses of not more than four (4) points (except for compulsory insurance), or a six (6) point offense of speeding, not more than twenty-four (24) miles over the posted speed limit, enter judgment and impose sentence, including costs against the defendant.

(b) Failure to appear on any date scheduled for trial shall constitute cause for entering a default judgment for all traffic offenses of not more than four (4) points (except for compulsory insurance) or a six (6) point offense of speeding not more than twenty four (24) miles over the posted speed limit, and upon entry of such default, the Judge may impose sentence including costs against the defendant.

(c) On the grounds of excusable neglect, the Judge may by motion of the defendant set aside an entry of default and the judgment entered thereon. Such motion must be filed with the court within seven (7) calendar days of the entry of judgment for such matter. A motion under this section shall not affect the finality of a judgment or suspend its operation.

(d) Any default entered in accordance with this section shall be certified to the State Motor Vehicle Division for enforcement.

(e) The court shall not issue a warrant for the arrest of any defendant against whom a default is entered and upon which a sentence is imposed thereon.

Sec. 8-5. Citation to State Statutes.

All references to provisions of the Colorado Revised Statutes (C.R.S.) that contain counterpart provisions to the adopted Model Traffic Code as contained in this Ordinance shall be deemed proper references to the counterpart provisions of the adopted Model Traffic Code. When enforcing the adopted Model Traffic Code, the City's law enforcement officers and the City's prosecuting attorneys and officials are authorized to cite to equivalent counterparts contained in

the Colorado Revised Statutes. Any citation by such persons to a State statute containing the substantially same or identical provisions as those found in counterpart sections of the adopted Model Traffic Code is equivalent to a citation to the relevant provisions of the adopted Model Traffic Code for purposes of notifying, designating, charging, prosecuting and penalizing violations of the adopted Model Traffic Code pursuant to this Ordinance.

Sec. 8-6. Violation and Penalties.

(a) It shall be unlawful for any person to violate any provision of this Article or to disobey any Official Traffic Control Device referenced herein. In any prosecution for any violation of this Article wherein the identity of violator is in question (such as parking citations issued when the driver of the vehicle is not present), there shall be a rebuttable presumption that the violation was committed by the Owner of the motor vehicle in which the violation occurred.

(b) Unless otherwise provided by law, all fines and penalties, and the surcharge thereon, for the violation of this Article shall be paid into the treasury of the City of Central, Colorado.

(c) In addition to the fines and penalties prescribed in this Article and authorized by the Municipal Code, any person convicted of a violation of this Article, whether such person acknowledges guilt or liability, is found guilty by the municipal court, or has judgment entered against such person, shall be subject to a municipal court cost surcharge of thirty dollars (\$30.00). This surcharge shall be paid to the Clerk of the Court. Once paid into the treasury of the City, said moneys shall be segregated by the Finance Director, separately accounted for, and thereafter used by the City exclusively for funding necessary costs and expenses associated with the following: (1) victim services; (2) law enforcement training; and (3) prisoner expenses.

(d) The following penalties, herewith set forth in full, shall apply to this Article:

- (1) It is unlawful for any person to violate any of the provisions of this Article or of the 2010 edition of the Model Traffic Code, as adopted by the City of Central.
- (2) Every person convicted of a violation of any provision of this Article or of the Model Traffic Code shall be punished by a fine not exceeding one thousand dollars (\$1,000.00), or by imprisonment not exceeding one (1) year, or by both such fine and imprisonment, pursuant to and in accordance with the Fine Schedule, as the same may be amended from time to time.
- (3) In the case of multiple traffic offenses involving aggressive driving, the applicable penalty or penalty assessment shall be doubled for each traffic offense. For purposes of this subsection, "aggressive driving" means committing any two (2) or more of the following violations in a single act or series of acts in close proximity to another motor vehicle: (1) exceeding the speed limits (section 1101); (2) following too closely (section 1008); (3) failure to obey official traffic control devices (section 603); (4) passing on

shoulder of road (section 1004); (5) failure to give an adequate signal (section 903); (6) failure to yield right-of-way (section(s) 701, 702, 703); and/or (7) unsafe lane change (section 1007).

- (4) Unless otherwise set forth in the Fine Schedule, the applicable penalty, penalty assessment or surcharge imposed for any moving traffic violation shall be doubled if the violation occurs within a school zone (section 615) or construction zone (section 614).

Sec. 8-7. Interpretation.

This Article shall be so interpreted and construed as to effectuate its general purpose to conform with the State's uniform system for the regulation of vehicles and traffic. Article and Section headings of this Article and adopted Model Traffic Code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or extent of the provisions of any article or Section thereof.

Sec. 8-8. Certification.

The City Clerk shall certify to the passage of this Article and make not less than three (3) copies of the adopted Model Traffic Code available for inspection by the public during regular business hours.

Secs. 8-9----8-20. Reserved.

Section 2. Remaining provisions. Except as specifically amended hereby, all other provisions of the Central City Municipal Code and the various secondary codes adopted by reference therein, shall continue in full force and effect.

Section 3. Severability. Should any one or more sections or provisions of this Ordinance or of the "Model Traffic Code for Colorado" adopted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of the "Model Traffic Code for Colorado", 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. Authorization. The officers of the City are authorized and directed to take actions necessary and appropriate to effect the provisions of this Ordinance.

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 2nd 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 6th 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 11 and 25, 2012.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on November 8, 2012.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel City Clerk

Municipal Court, Central City, Colorado
141 Nevada Street, Central City, Colorado 80427-0249
Phone Number: (303) 582-5251 x 402

FINE SCHEDULE FOR MUNICIPAL COURT

Attorney or Party Without Attorney: (Name & Address)
Hon. David R. Gloss, Esq., Municipal Court Judge

▲ COURT USE ONLY ▲

ORDER

IT APPEARING TO THE COURT that a fine schedule for Municipal Offenses in the Municipal Court of Central City, Colorado will serve in the best interests of the parties and the general public, the Court enters the following *suggested* fines and costs for matters brought before this Court.

The court fines in these matters are not mandatory. The Court retains jurisdiction to deviate from them dependent upon the particular facts of the case presented.

ALL PERSONS MUST APPEAR IN COURT PERSONALLY OR THROUGH COUNSEL WITH THE EXCEPTION OF THE TRAFFIC INFRACTIONS LISTED BELOW. FAILURE TO APPEAR BEFORE THE COURT AT THE SPECIFIED TIME FOR YOUR MATTER MAY RESULT IN A DEFAULT OR WARRANT ISSUING FOR YOUR ARREST.

JUVENILES UNDER THE AGE OF EIGHTEEN (18) YEARS MUST APPEAR BEFORE THE COURT WITH A PARENT OR LEGAL GUARDIAN FOR ANY OFFENSE OR INFRACTION OTHER THAN A PARKING TICKET.

TRAFFIC OFFENSES AND INFRACTIONS

All infractions charged as four (4) point violations or less, with the exception of Careless Driving where there is an accident or injury involved, are eligible to pay for such infraction by mail without a court appearance, if the Defendant has no moving violations within the last two (2) years prior to the infraction or offense.

If a Defendant:

- a) has no prior moving violation history within the past two (2) years,

b) a Defendant charged with such a traffic infraction or violation of four (4) points and under,

c) has been afforded a penalty assessment option by the charging Officer,

d) and who then chooses to plead guilty by mail and remit the fine scheduled amount to the Clerk of this Court within twenty (20) days of the incident,

may receive an automatic plea bargain to a lesser charge, carrying fewer points against their driver's license privilege in the State of Colorado. Under these circumstances, a four (4) point infraction or violation shall be reduced to a two point infraction and a two or one point infraction shall be reduced to a zero point infraction. Court costs of **\$35** shall also be assessed against the Defendant.

PAYMENT MUST BE MADE IN FULL PRIOR TO THE EXPIRATION OF THE TWENTY (20) DAY PERIOD FROM THE INCIDENT. IF SUCH PAYMENT IS NOT MADE, THE DEFENDANT MUST APPEAR BEFORE THE COURT ON THE DATE SET FORTH ON THE SUMMONS ISSUED BY THE OFFICER IN THE CASE.

Court fines in these cases shall be assessed in the amount set forth in C.R.S. Section 42-4-1101, with a **minimum fine of \$60.00, for plus the court costs of \$35.00, and a surcharge of \$30.00.**

Fines for careless driving resulting in injury or property damage, or other charges greater than four (4) points shall be assessed at Court discretion, up to a four hundred dollar (**\$400**) fine. Court costs of **\$35** shall also be imposed upon conviction, plus a surcharge of \$30.00.

The Court, in addition to the fees, surcharge and costs set forth above, may order community service and or/education for the Defendant. Education costs are to be paid by the Defendant to the referral agency within the time prescribed by the Court. Community service monitoring and insurance fee shall result in an additional **\$85.00** in court costs being assessed against the Defendant.

Parking violations are assessed a **\$50.00** fine. Parking illegally in handicapped parking areas will be assessed a **\$100.00** fine.

ADDITIONAL COURT COSTS:

ALL FINES AND COSTS ARE DUE AND PAYABLE UPON SENTENCE BEING IMPOSED. ANY DELAY IN THIS PAYMENT SHALL RESULT IN A \$25.00 late payment fee. A Defendant must be eligible for a payment plan to be imposed. Any late payment in the payment plan shall result in an additional \$25.00 fee being imposed for each such late payment by the Court. Any bad check (returned for non-sufficient funds) sent to the Court

shall result in an assessment of an additional \$50.00 fee against the Defendant, plus actual bank fees.

All warrant and Division of Motor Vehicles order of judgment matters shall result in an additional \$50 court cost to be assessed against the Defendant.

Any person placed on Diversion shall pay \$25.00 per month as a court cost for every month the Defendant is placed on Diversion or probation. Such payments shall be made by the 1st day of each month the Defendant is on Diversion or probation for the offense.

A \$25.00 non-refundable fee shall be posted by the Defendant for every jury trial requested within twenty (20) days of the alleged offense. Failure to do so shall result in a forfeiture of the right of the Defendant to a jury trial.

In the event of conviction at a court or jury trial, the Court reserves the right, upon motion by the prosecution, to assess the costs of trial, witness fees, and other costs against the Defendant. In no event shall the additional cost against the Defendant be less than \$50.00.

IF A JAIL SENTENCE IS IMPOSED BY THE COURT, an additional \$35.00 cost will be assessed against the Defendant for every day of incarceration ordered.

GENERAL OFFENSES AND INFRACTIONS:

FINES

PLEASE BE ADVISED that the Court may impose a fine of up to \$1000.00 and/or a jail sentence of up to one year for adult penal violations. The Court may also impose a fine of up to \$1000.00 and/or one year of probationary status for a juvenile penal violation.

- Dog at Large (1st Offense by this Defendant or animal).....\$ 50.00
 - Dog at Large (2nd or subsequent violation)..... \$100.00
 - Open Container (1st offense).....\$ 50.00
 - Marijuana or drug paraphernalia (1st offense)..... \$100.00
 - Idling of Motor Vehicles or Snowmobiles on Roadways (1st offense)..... \$ 50.00
- Court costs of \$35.00 plus a surcharge of \$30.00 will be assessed upon conviction.

TRANSCRIPTS

Any transcript of court proceedings shall require a \$300.00 deposit prior to preparing such transcript. Any balance remaining shall be reimbursed to the party requesting the transcript.

DONE AND SIGNED IN OPEN COURT this 2nd day of October, 2012.

s/ David R. Gloss

David R. Gloss
Central City Judge



AGENDA ITEM # 8

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 6th 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 8, 2012.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel City Clerk



AGENDA ITEM # 9

CITY COUNCIL COMMUNICATION FORM

FROM: Kent Kisselman, Operations Director

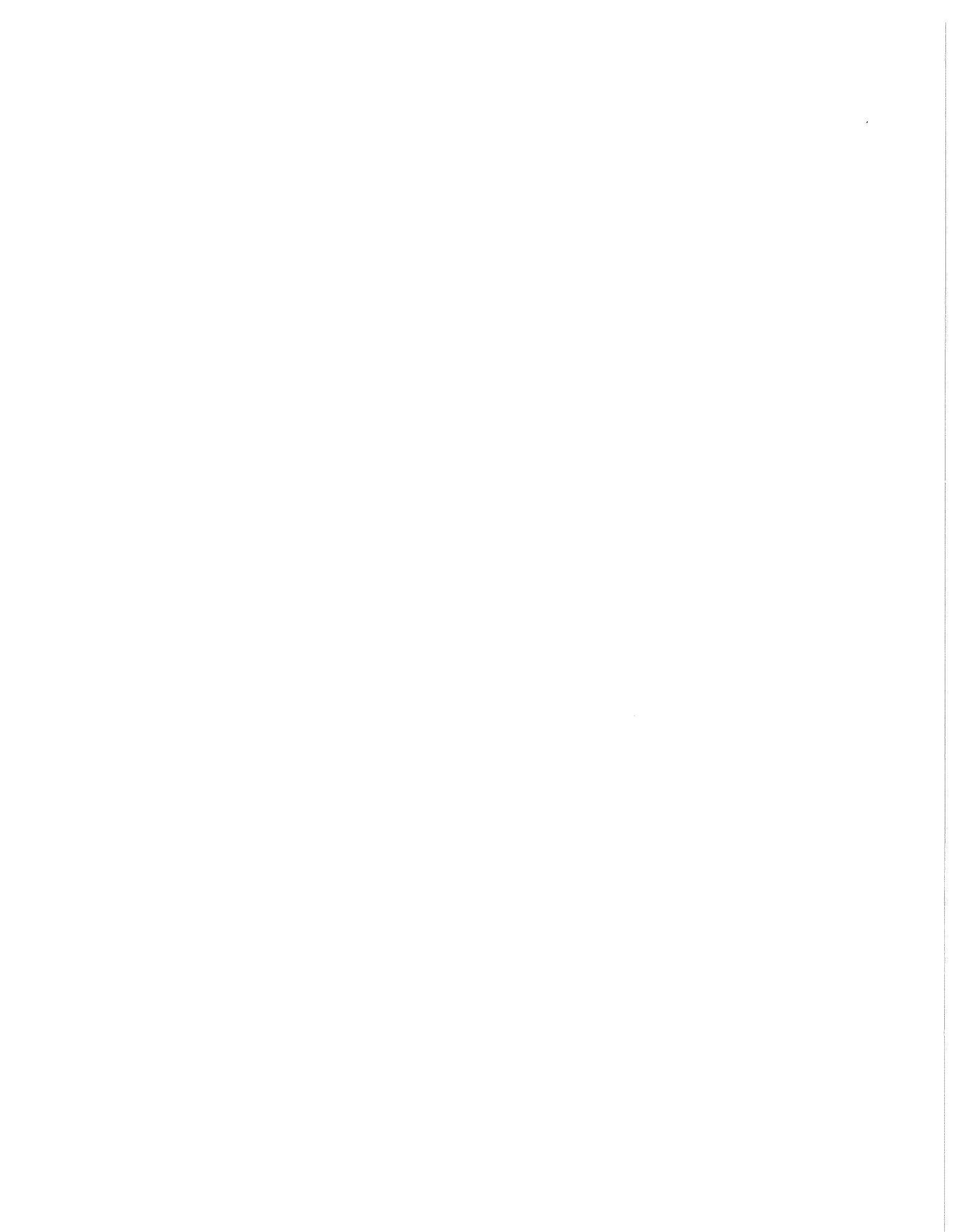
DATE: November 6, 2012

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 ____ 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 #10

CITY COUNCIL COMMUNICATION FORM

FROM: Shannon Flowers, Finance Director

DATE: October 31, 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 and set a public hearing for November 20, 2012.

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:** Make a motion to adopt Ordinance 12-14 and set a public hearing for November 20, 2012.

- 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. Make a motion to adopt Ordinance 12-14 and set a public hearing on same for November 20, 2012.
2. Make a motion to adopt Ordinance 12-14 with amendments and set a public hearing on same for November 20, 2012.

**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
• Water	\$ 736,041
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 ___ 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 #11

CITY COUNCIL COMMUNICATION FORM

FROM: Shannon Flowers, Finance Director

DATE: November 1, 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 set a public hearing for November 20, 2012.

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 set a public hearing for November 20, 2012.
- 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. Introduce and read by title only Ordinance 12-15 and set a public hearing for November 20, 2012.

2. Introduce and read by title only Ordinance 12-15, request that staff make changes to the Ordinance and set a public hearing for November 20, 2012

*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 ____ 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

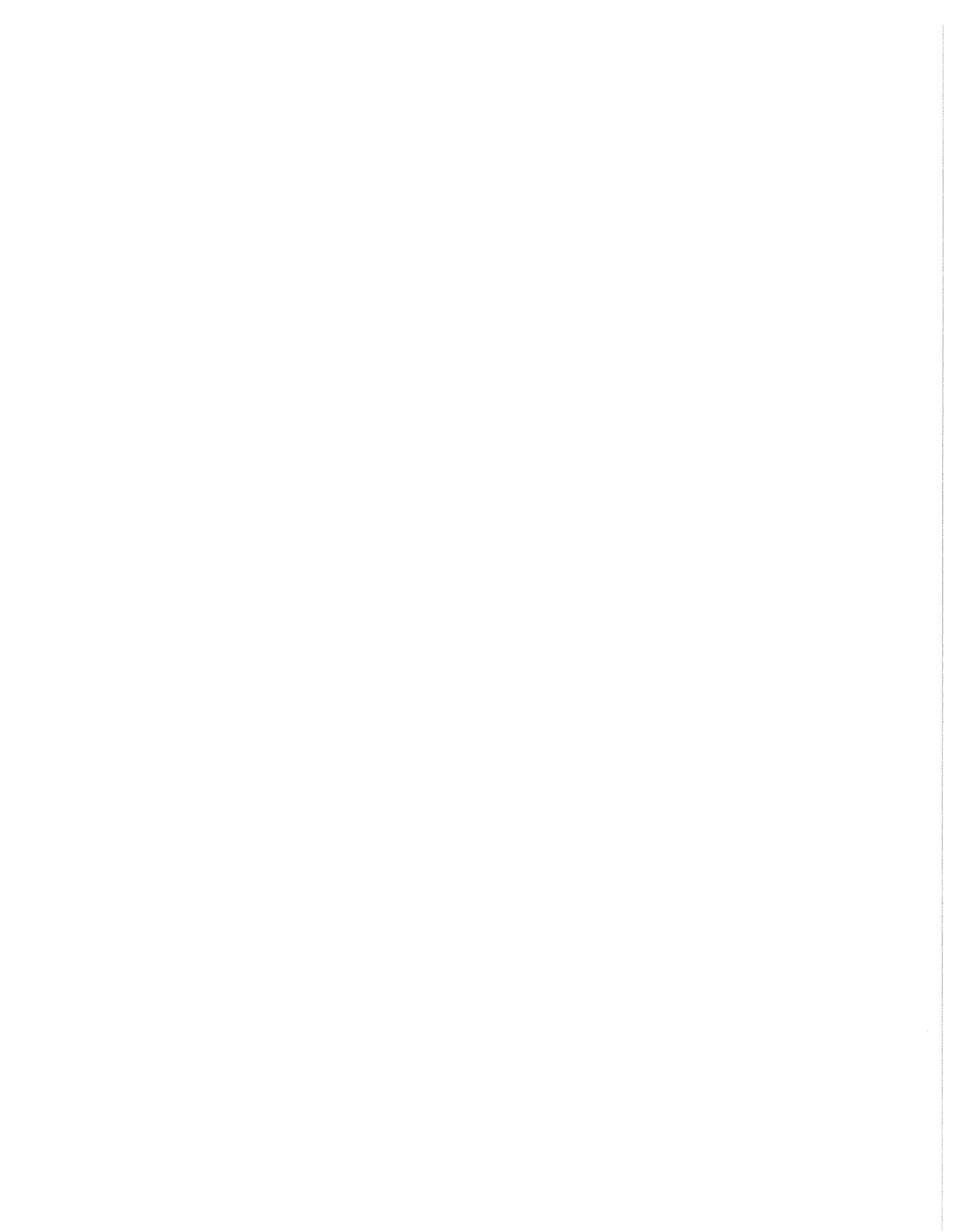
ATTEST:

Reba Bechtel City Clerk

DATE: October 31, 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 Monday October 22nd through Wednesday October 31, 2012.

- Drafted the Budget Introduction, Budget Message and Departmental Introductions for inclusion in the 2013 Budget document
- Updated the Capital Improvement Plan for inclusion in the 2013 Budget
- Worked with the City Attorney on revisions to the Employee Handbook
- Completed the September Bank Reconciliation
- Prepared and filed 3rd Qtr 941 and SUTA Reports
- Worked with Operations Director and City Clerk to update the Comprehensive Fee Schedule
- Began preparing Resolution for adoption of 2013 water rates
- Began preparing September Financial Report-will be combined with October report and on consent agenda for the 11/20 council meeting
- Emailed with Mayor and City Manager about Shuttle Service provisions with BID
- 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

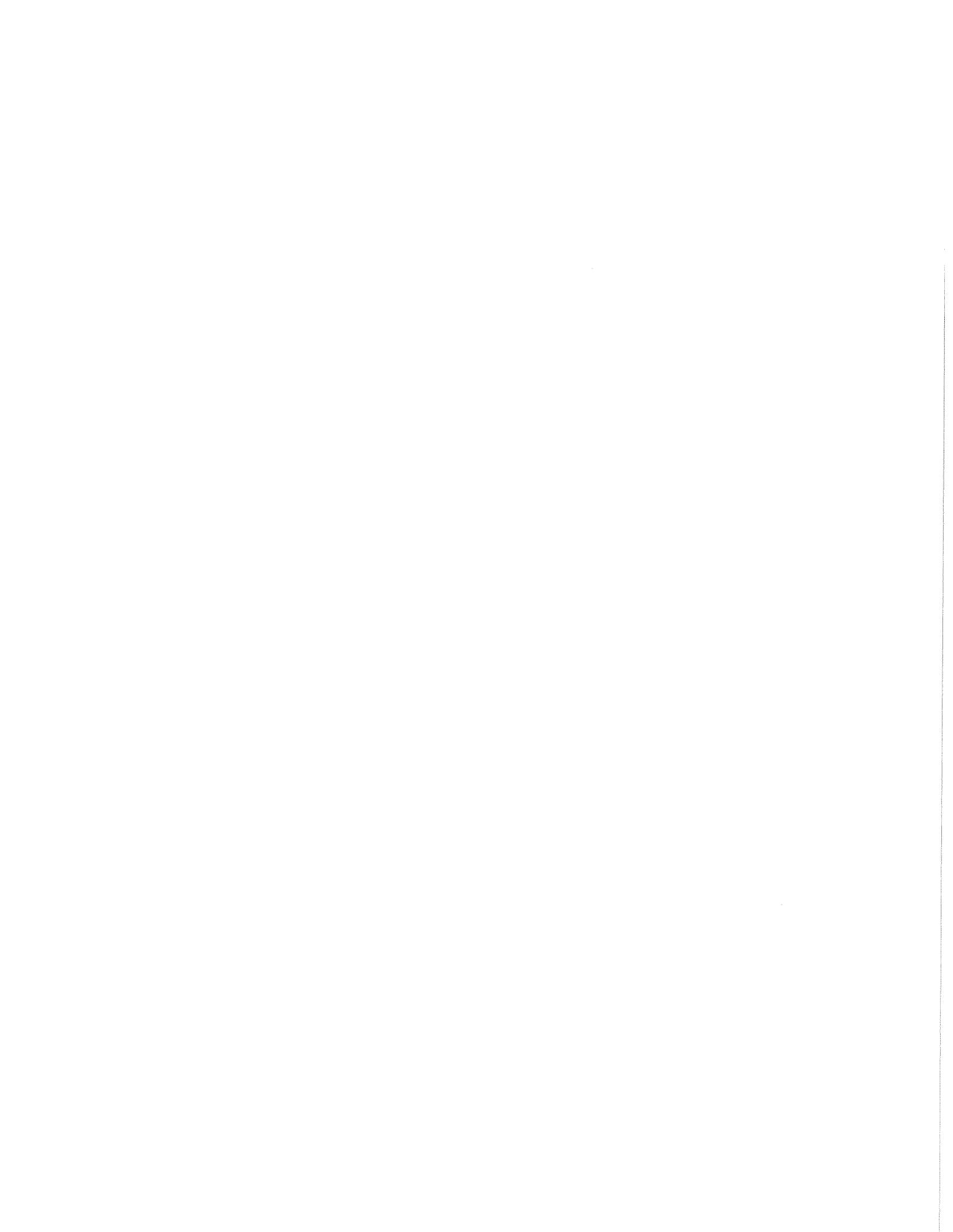
To: City Manager Alan Lanning, Mayor Engels, and City Council

From: Reba Bechtel, City Clerk

Date: November 6, 2012

Re: Bi-weekly Report

- Council minutes from October 16 completed
- Packet prep for the November 6 Council meeting
- Worked with staff on the fee schedule update that will be coming forward
- Following election requirements
- I was out on vacation for a week. Always good to clear the cobwebs,...

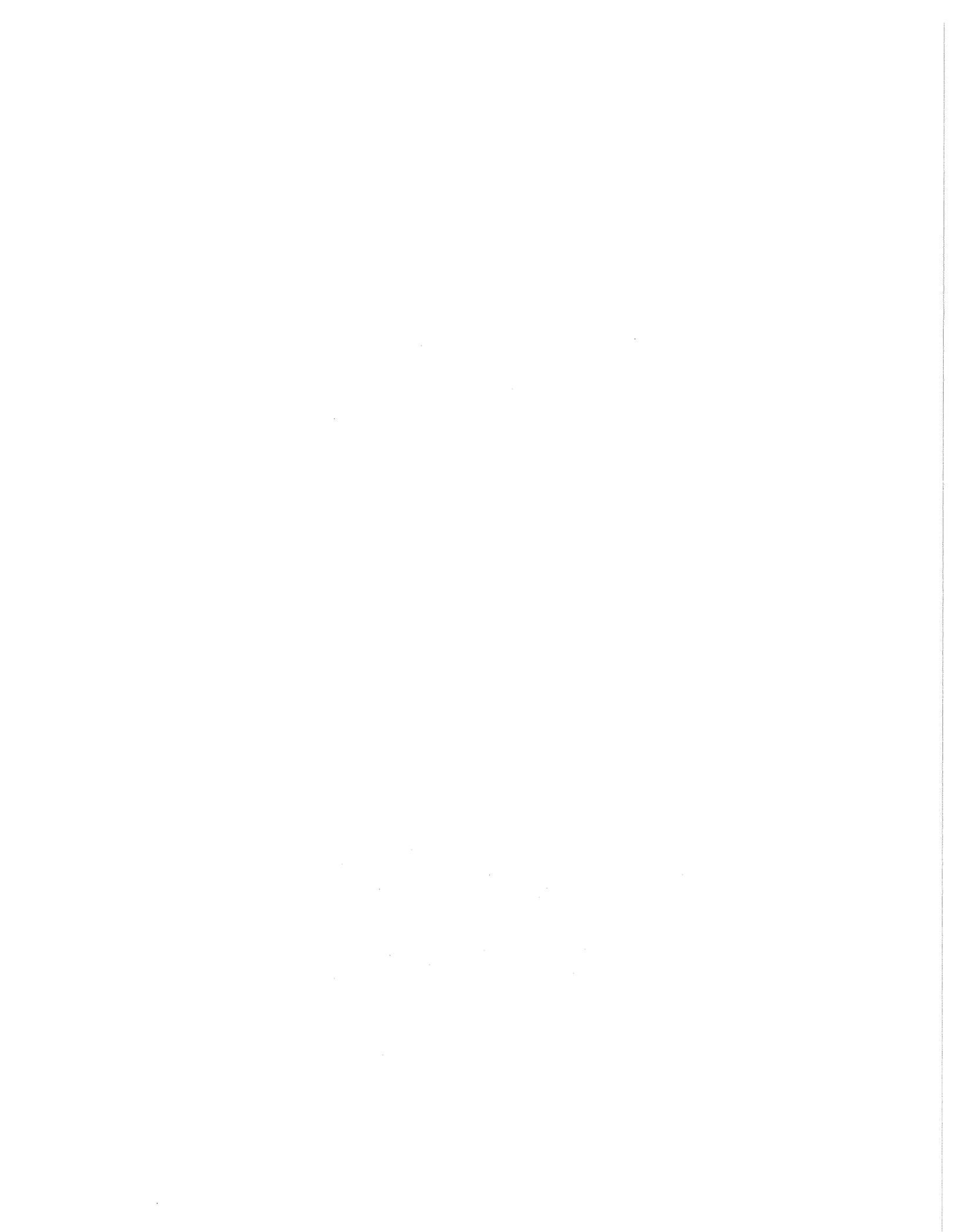


Memo

To: Mayor, City Council, and City Manager
From: Greg Thompson, Community Development Director
Subject: Community Development Department Summary
Date: November 6, 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. Met with the Hillside Parking Garage design team along with the City Manager and Operations Director.
5. Attended an Xcel focus group meeting via conference call addressing a variety of concerns, including banners, flags and flower pots on poles.
6. Created an ordinance to address Xcel banner issues.
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. Worked on a CLG grant for resurveying the historic properties in our community.
9. Worked on HPC staff report for Century parking garage entrance signage.
10. Met with concerned citizen interested in extending rail travel to Central City.
11. Addressed lingering issues associated with a few City historic grant projects.





CITY OF CENTRAL
Public Works Department
Kent Kisselman, P.E., Director

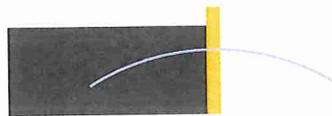
October 2012

Special points of interest:

- ◆ Election Day is November 6th
- ◆ Congratulations to Russ and Justin whom both passed their commercial drivers license driving tests. All of staff now has current CDL's.
- ◆ Thanks to the Fire Chief, Justin and Royce for completing 2 burns at the dump. We have one big pile left and then we can begin to remediate the area.

Personal Message: As I have not had an extended personal vacation since my arrival, I will be taking the next couple weeks off returning on November 12. As stated many times is this personal message, we have assembled a quality staff and I have no reservations that things will run efficiently in my absence.

Thank you again for the opportunity to serve you and this community and I will see you when I get back.



PUBLIC WORKS DEPARTMENT



A much needed vacation...see yeah!!!

Public Works Department is completely ready for the snow season. Trucks and plows are in good working condition, the snow schedule is out, and that plan was put into action just last week. With several new members to the team we did a good job of coverage and will be making adjustments to be more productive and provide better coverage. Overall very pleased with the response to the first storm of the season. With the new sweeper we are also going to do a better job of getting the sand off the roadways after storms. One person spent two days after the event doing nothing but sweeping.

Staff has finished the stamped sidewalks on Lawrence in front of the State Gaming parking lot and building. We also completed the ADA pedestrian ramp at Johnny Z's. We are going to push the staff to complete the sidewalks on the opposite side of the street as we made another agreement in cost sharing with Mr. Zimpel to complete those sidewalks. The weather will be the big factor but we feel confident the project will be completed. Then next year we can get started on the CIP sidewalks above the County Building along Eureka.

Due to an error we will not receive the \$90K stormwater grant, but will apply again next year. We did receive \$20K to plan and design a much needed public works facility. We will also be working very hard to complete and submit our application for the Mineral and Impact Grant for the Parkway chip seal project.

Public Works continues to work on the project list and have made very good progress over the year. Our goal is to get into general maintenance instead of fixing deferred maintenance items.

Nevada Street monitoring continues and is does not appear to be settling to a point where immediate action is necessary, more data collection is necessary and we will continue to evaluate the area.

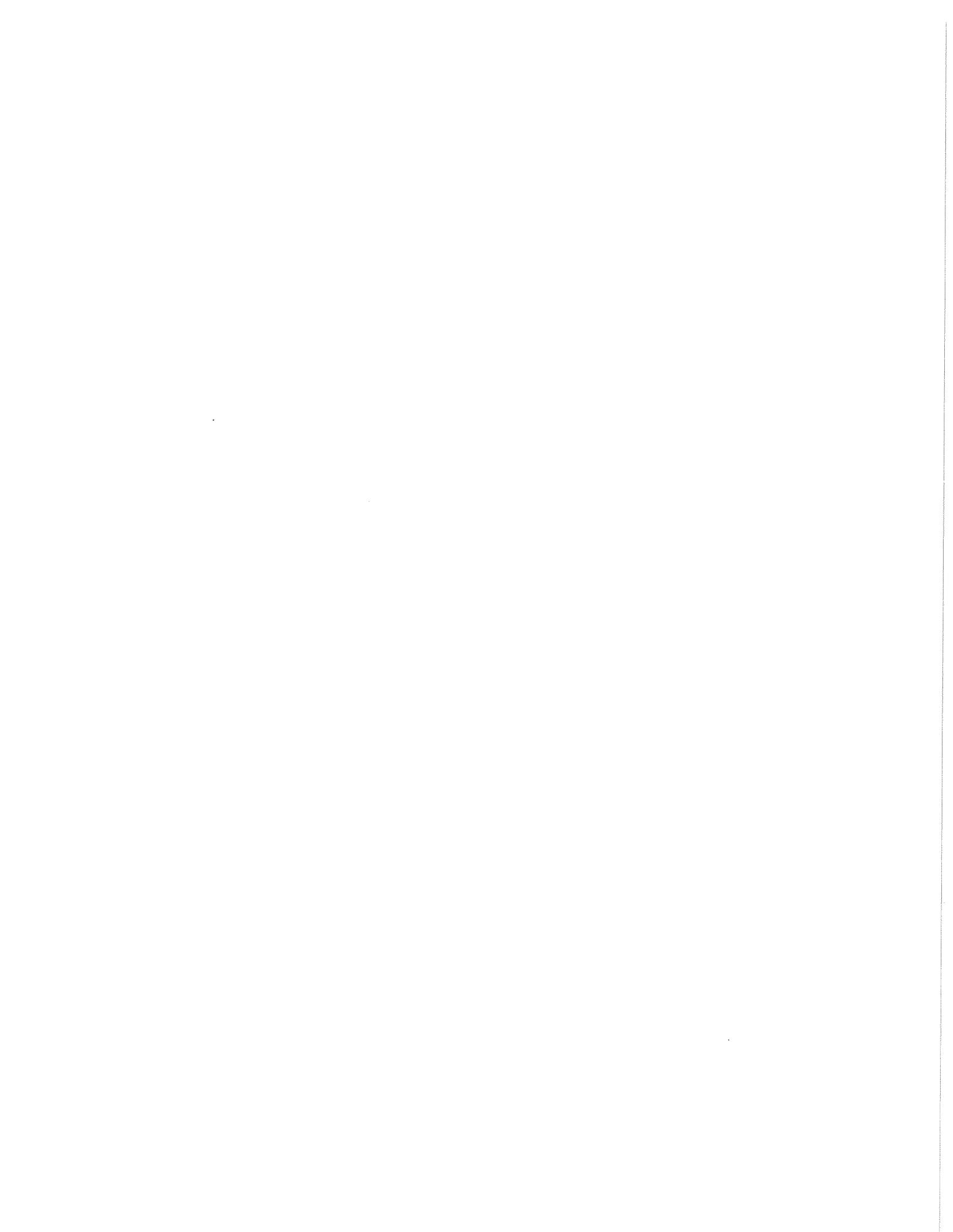
The Master Water Plan draft has been submitted and Shawn will be presenting the findings to Council at the Nov. 6th meeting. Note that these are the findings of Black and Veatch and are suggestions, Shawn will have our own assessment of the MWP and present to Council our CIP goals in the months to come. We will supply a copy of the final report to Council to review.

By the time of this report I expect we will have less than 10 water meters to install to complete the project. Again, this does not include 7 that are vacant, bank-owned, or in litigation. With the assistance of the Finance Department we hope to complete our first residential radio reads in the month of November.

Christmas is coming and we have a limited budget. With that said we have inventoried our decorations and are making improvements to the existing items we have for minimal expense. Staff has finished the tree support on Main Street with electrical. Mary Laffey, Barbara Thieleman and staff will be picking out the City Tree, one of our PW employees has graciously approved us to pick a tree from his lot, we are trying to limit the size to approximately 16'.

Please contact Kent Kisselman with any PW related issues you may have, communication is the key to success. Have a great month!

opdirector@cityofcentral.co



To: Alan Lanning, City Manager

From: Terry Krelle, Chief of Police

Date: November 1, 2012

Subject: Weekly Report – Week Ending 11-02-12

Weekly Statistics:

Report Period:	Current Period	Year To Date	2011	2010	2009
August 28, 2012 to September 9, 2012					
ACTIVITY:					
Assist other Agency	18	130	141	175	166
Assist by other Agency	0	1	4	3	25
Drugs	2	13	14	11	4
Forgery/Fraud	1	8	4	6	9
Thefts	6	47	47	54	32
Crimes Against Persons	16	76	100	89	64
Crimes Against Property	7	39	36	55	62
Patrol-Chase Gulch Reservoir/Parks	106	576	768	660	662
Arrests	14	93	69	56	44
Intoxicated Parties/Detox Sobriety Checks	24	165	219	261	118
TRAFFIC:					
DUI/DUID	0	2	7	5	5
Traffic Accidents	10	54	42	47	56
Traffic Citations	53	229	334	262	140
Traffic Warnings	148	518	560	603	726
ORDINANCE					
City Ordinance Violations	17	108	190	192	242
ALL OTHER CASES	66	573	817	774	1148
Residential Patrols	390	1889	1917	1342	1506
Prospector's Run Patrols	58	279	317	339	669
TOTAL CASES	936	4868	5926	4934	5638

Calls for Service this period: 1240
2011 Calls for Service: 7512
2009 Calls for Service: 7219

2012 Year to Date Calls for Service: 7067
2010 Calls for Service: 7153
2008 Calls for Service: 9126

STATISTICS

These statistics reflect reports and calls for service taken by the officers.

CALLS OF INTEREST

During the period, there have been ten parking tickets written, most were for vehicles parked in no parking zones. On 10/06, an officer responded to a domestic at Reserve Casino. Upon investigation, the female was arrested for harassment and jailed at the Gilpin County Sheriff's Office. On 10/09, an officer responded to a disturbance at a High Street residence. It was determined that a female had assaulted another person. She was arrested for Assault and Underage Consumption of Alcohol. On 10/18, a burglary was reported at a Eureka Street home, there are no suspects at this time. On 10/20, an officer was requested to respond to the Reserve Casino for a subject doing drugs in his car. The officer was advised that the subject was being viewed on a surveillance camera and it appeared that he was injecting himself. Upon the officer's arrival, the subject had exited his vehicle and was walking away. When asked if the subject would consent to a search of his vehicle, the subject refused. The officer then reviewed the video and it clearly showed the subject "cooking" something in a spoon and then injecting himself. The vehicle was then impounded pending search via a warrant. The next day, a search warrant was obtained and the vehicle searched. There was a large quantity of marijuana, over 100 syringes and associated injectable use items. Also, present was a small quantity of suspected methamphetamine. A warrant will be issued for the subject.

TRAINING

Officer Nathan Geerdes is currently in FTO training, all officers received Victims Rights training and Detective Miller went to NIBRS training during the period.

MISC.

I have conducted normal weekly administrative duties. I have been updating the Police Department web page and procedure manual. One of the new cars is in service; the two marked units should be done by the second week in November. We have been working on the testing procedure for our new hire in 2013. We hope to have an eligibility list in which we can pull names from by mid-December.

PARKWAY ISSUES

This past reporting period, there were five accidents on the Parkway. Since the road has opened, we have issued 4297 warnings; most were for speeding.

This week:
112 Warnings, 48 Summonses

Since opening day, November 19, 2004	
Warnings	Traffic Summons
4297	1348

MEMORANDUM

DATE: 1 November 2012
TO: Alan Lanning / City Manager
FROM: Gary Allen / Fire Chief
RE: **Activity Report**

The Fire Department has responded to 296 incidents as of 31 October 2012, with 40 incidents being out of city, and of those 28 incidents was for Mutual Aid to other agencies. Following are the activities the department responded to and conducted for this reporting period.

Thursday 27 Sept., 2012 - 03:02 AM / Fire Alarm

Thursday 27 Sept., 2012 - 12:15 PM / MVA

Friday 28 Sept., 2012 - 18:39 PM / Medical

Friday 28 Sept., 2012 - 20:30 PM / Medical

Sunday 30 Sept., 2012 - 14:14 PM / MVA

Monday 1 Oct., 2012 - 10:36 AM / Medical

Monday 1 Oct., 2012 - 20:00 PM / Medical

Wednesday 3 Oct., 2012 - 01:55 AM / Medical

*Wednesday 3 Oct., 2012 - 19:07 PM / Smoke Investigation – Wildland

Thursday 4 Oct., 2012 - 05:44 AM / Medical

*Friday 5 Oct., 2012 - 11:32 AM / Structure Fire – Mutual Aid to CCFA

Sunday 7 Oct., 2012 - 18:57 PM / Fire Alarm

*Monday 8 Oct., 2012 - 06:22 AM / Structure Fire – Mutual Aid to Timberline

Monday 8 Oct., 2012 - 16:01 PM / Fire Alarm

Wednesday 10 Oct., 2012 - 12:50 PM / Medical

Saturday 13 Oct., 2012 - 04:43 AM / Fire Alarm

Thursday 18 Oct., 2012 - 17:34 PM / Medical – Death

Saturday 20 Oct. 2012 - 09:51 AM / Fire Alarm

*Sunday 21 Oct. 2012 - 15:28 PM / Smoke Investigation - Wildland

*Sunday 21 Oct., 2012 - 18:49 PM / Smoke Investigation - Wildland

Wednesday 24 Oct., 2012 - 15:30 PM / Medical

*Thursday 25 Oct. 2012 - 00:21 AM / MVA

Friday 26 Oct. 2012 - 02:06 AM / Medical

Friday 26 Oct., 2012 - 17:34 PM / Smoke Investigation – Wildland

Sunday 28 Oct., 2012 – 01:19 AM / Fire Alarm

Sunday 28 Oct., 2012 - 19:20 PM / Smoke Investigation - Wildland

I attended the Metro Chiefs meeting in Lakewood and met with our Motorola vendor representative on the radio upgrade order for the narrow banding. I attended city council meetings as well. Along with a Boulder Wildland Cooperators meeting in Boulder, a Mutual Aid meeting held by GCSO Communications Supervisor Steven Watson at the Sheriff's Office. We again attended the Trick or Treat Street this year at the Gilpin School and handed out candy for the kids. And we attended a thank you luncheon at the Governor's Mansion in recognition for the summers fire responses.

We conducted the state tests for the Hazardous Materials Operation class that has been on going for the last few weeks. One test was the written test which was proctored through the Colorado State Division of Fire and Control. The other was the Job Performance Requirement practicals which were proctored through our department on Saturday 29 September, 2012. We also conducted regular department trainings on Forcible Entry in structural firefighting, High rise operations using the Century Parking structure stair well, Vehicle Fires and truck and station maintenance at station 2. We attended the Alive at 25 crash rehearsal training on Monday 10/01/2012 for the event that took place at the Gilpin High School on Wednesday 10/03/2012. The Alive at 25 is a drugs and alcohol program to keep kids from driving while under the influence of drugs and alcohol. The program consisted of a mock vehicle accident involving a DUI student who killed some people, injured some others and was arrested for his actions. We also attended a Forensics Training in Clear Creek hosted by Clear Creek Fire on preserving evidence during fires and also a mock Hazardous Materials training with Clear Creek Fire and the Colorado State Patrol in Clear Creek from the Twin Tunnels down to Kermit's. I began a rookie class for a new hire Firefighter this period. We also attended the High School Homecoming parade with an Engine. We also assisted Black Hawk Fire with a fireworks show and conducted 2 of the 3 pile burns up at the old city dump.

We were asked to attend a Timberline Board meeting and bring along Firefighter Cody Allen as he was given recognition in saving the lives of 2 people and a dog during the structure fire on 8 October 2012 at 19454 Highway 119 at 06:22 AM where Cody was on his way to work and noticed the residential fire, stopped and entered the residence awoke and removed the occupants, reported the fire by radio and continued to try and extinguish the fire prior to the arrival of any apparatus.