

**CITY OF CENTRAL
CITY COUNCIL MEETING
December 17, 2013**

CALL TO ORDER

A regular meeting of the City Council for the City of Central was called to order by Mayor Engels at 7:00 p.m., in City Hall on December 17, 2013.

ROLL CALL

Present: Mayor Engels
Alderman Voorhies
Alderman Gaines
Alderman Heider
Alderman Spain

Absent: None

Staff Present: Manager Lanning
Attorney McAskin
Finance Director Flowers
Planner/HPO Fejeran
Police Chief Krelle
Fire Chief Allen
Utilities Superintendent Griffith
Streets/Facilities Superintendent Braccio

ADDITIONS AND/OR AMENDMENTS TO THE AGENDA

Staff requested to table Agenda Item #11 to review the contract for One Way Trash.

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 December 5 and 12, 2013; and the City Council minutes for the regular meeting on December 3, 2013. Alderman Gaines seconded. In discussion, Alderman Voorhies asked about the \$30,000 refund check to Iron Horse. Manager Lanning responded that this is part of a deposit from a developer that has not yet been used and will be replenished when the PUD is filed. When Mayor Engels called the question, the motion carried unanimously.

PUBLIC FORUM/AUDIENCE PARTICIPATION

No one requested time to address the Council.

SECOND READING AND PUBLIC HEARING

Ordinance No. 13-17: 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.

Finance Director Flowers reviewed the background as follows: in 2011, the City Council approved Ordinance 11-16 to impose a marketing device fee in the amount of \$5.00 per month per device in order to fund advertising and marketing costs incurred by the CCBID. In 2012, the City Council approved Ordinance 12-12 that extended the same marketing device fee through 2013. The marketing device fee is set to expire as of December 31, 2013 unless Council approves an extension of the fee through ordinance. Ordinance 13-17 extends the marketing device fee through 2014.

In addition to extending the marketing device fee through 2014, Ordinance 13-17 makes the amount of the marketing device fee adjustable with a base of \$5.00 per device per month to a maximum of \$7.00 per device per month. As discussed during the Council work session on November 19, 2013, over the course of 2013 the number of gaming devices in the City decreased significantly. This decrease led to a decrease in the amount of marketing fees collected to pay for the CCBID's advertising and marketing costs. This left a deficit in marketing fees revenue of approximately \$35,000. As the events and advertising had already been planned, this shortfall could not be made up through a reduction in costs.

In order to ensure that the amount collected through marketing device fees is sufficient to cover the costs incurred by the CCBID for advertising and events, the amount charged for the marketing fee will be based upon the current amount of devices in the City and will fluctuate between \$5.00 per device and \$7.00 per device. In doing so, the City can ensure even if the number of devices further decreases, sufficient revenues will be collected to pay for the costs incurred by the CCBID. Further, the CCBID will have a maximum budget amount for costs over which they will not go in order to make sure that the amount charged each month will collect sufficient revenues.

The amount of the monthly device fee will be determined by the current number of devices within the City and the total projected amount needed by the CCBID to cover marketing expenses. The CCBID and the Finance Director will establish a maximum budget amount that will be used in conjunction with the monthly device count to ensure that the appropriate amount is collected through adjusted marketing device fees.

Currently, the adopted 2014 Budget allocates a total of \$153,746 budgeted for CCBID marketing and events. \$50,000 of this is the City's contribution to events and marketing. Therefore, a total of \$103,746 needs to be collected through marketing device fees over the course of 2014.

Alderman Gaines clarified that in the previous work session discussion, the CCBID was on board with making the device fee adjustable. Finance Director Flowers confirmed that they were and that this is only an increase if total devices are reduced as this will keep the revenue stable for the marketing budget.

Mayor Engels opened the public hearing at 7:06 p.m. and invited comment. Hearing no comment, Mayor Engels closed the public hearing at 7:06 p.m.

Alderman Gaines moved to adopt Ordinance No. 13-17: 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. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

ACTION ITEMS: NEW BUSINESS

Resolution No.13-25: *A resolution of the City Council of the City of Central, Colorado to amending the City of Central Comprehensive Fee Schedule.*

Attorney McAskin gave the background as follows:

We have been working on new regulations for heavy trucks, hauling vehicles and oversized loads for City streets. The regulatory framework is in place and has already been adopted, which includes a variety of Code sections under Article VI. In particular Section 8-6-100 of the Municipal Code authorizes City Council to adopt a fee schedule and revise the fee schedule as necessary. The fees are arranged into four specific categories as provided in Section 8-6-70 (b) (1-4) and are enumerated as Single Trip Permit; Fleet Permit; Annual Permit; Special Permit. The permit fees are expected to provide a minimal amount of income for the City during any given fiscal year, depending upon the pace of development and projects.

Kent Kisselman and Chief Krelle were working on this issue previously and the overall regulatory framework has been completed. The permit fees will apply to all City streets and the Central-City Parkway, which is a controlled access highway under the City's jurisdiction. The purpose of the permit fees is to regulate the operation of oversize and overweight vehicles operating within the City and to protect the safety of drivers, to protect the efficient movement of traffic from unreasonable interference, and to protect the roadways from undue damage to the road foundations, surfaces, or structures.

Council had questions regarding size/weight of vehicles required to get a permit and enforcement as well as if this would be retroactive for Mr. Goltra. Manager Lanning stated that there is a state table for size/weight which will be enforced by the Police Department at our discretion and the fees would begin from approval of this resolution.

Alderman Gaines moved to approve Resolution No.13-25: A resolution of the City Council of the City of Central, Colorado to amending the City of Central Comprehensive Fee Schedule. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

Resolution No.13-26: *A resolution of the City Council of the City of Central, Colorado forming a Creative District.*

City Planner Fejeran gave the background as follows: Downtown Central City has been well-recognized as a cultural hub in which there already exists a high concentration of cultural facilities, creative businesses, and arts-related businesses. By enacting Section 24-48.5-314, the general assembly intends that the state provide leadership and support to local communities desirous of creating their own creative district, by, among other things, certifying districts, offering available incentives to encourage business development, exploring new incentives that are directly related to creative enterprises, facilitating local access to state assistance, enhancing the visibility of creative districts, providing technical assistance and planning, ensuring broad and equitable program benefits, and fostering a supportive climate for the arts and culture, thereby contributing to the development of healthy communities across the state and improving the quality of life of the state's residents.

Establishing a Creative District provides access to grant funding, tailored technical assistance, networking and training programs, promotional tools, and access to advocacy tools. A Creative District will help in:

- Attracting creative entrepreneurs and artists to a community, infusing new energy and innovation, and enhancing the economic and civic capital of the community
- Creating hubs of economic activity, enhancing the area as an appealing place to live, visit and conduct business, as well as create new economic activity
- Attracting visitors
- Revitalizing and beautifying communities
- Providing a focal point for celebrating and strengthening a community's unique identity
- Showcasing cultural and artistic organizations, events, and amenities

In July 2010, Colorado's new Creative Industries (CCI) Division merged the former Council on the Arts and Art in Public Places program to capitalize on the immense potential for our creative sector to drive economic growth in Colorado. A division of the Colorado Office of Economic Development & International Trade, Colorado Creative Industries sees a future where Colorado is a premiere "Creative Economy." Certification is required to receive any levels of grant and technical assistance.

Planner Fejeran answered additional questions from Council stating that this District will not be a conflict with the Business Improvement District since this is a designation from the State to allow grant applications. These grants for small businesses will be different from the State Historic Fund grants. There will be a contiguous boundary and a focused area for locations that qualify.

Alderman Heider moved to approve Resolution No.13-26: A resolution of the City Council of the City of Central, Colorado forming a Creative District. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

Resolution No. 13-27: A resolution of the City Council of the City of Central, Colorado approving a Professional Services Agreement with Colorado Code Consulting, LLC.

City Planner Fejeran explained that the current one-year contract with Colorado Code Consulting expires at the end of the year. Colorado Code Consulting has served as the Building Plans Review and Inspection consultant since 2003. Since 2011, they also served as the Elevator Inspection consultant. This Professional Service Agreement for Colorado Code Consulting will allow them to provide services in the same capacity for 2014 as they did in 2013 with fees paid on a percentage of the permit fee or an hourly basis – see Exhibit C. This is the same fee schedule as last year.

Alderman Gaines moved to approve Resolution No. 13-27: A resolution of the City Council of the City of Central, Colorado approving a Professional Services Agreement with Colorado Code Consulting, LLC. Alderman Spain seconded, and without discussion, the motion carried unanimously.

Resolution No. 13-28: A resolution of the City Council of the City of Central, Colorado approving an agreement with One Way, Inc. for residential trash disposal services.

City Planner Fejeran stated that staff will do some additional review of the proposed contract changes and bring this item to the January meeting.

Alderman Gaines moved to table Resolution No. 13-28: A resolution of the City Council of the City of Central, Colorado approving an agreement with One Way, Inc. for residential trash disposal services to January 7, 2014 to allow for staff to review the contract. Alderman Spain seconded, and without discussion, the motion carried unanimously.

Resolution No. 13-29: *A resolution of the City Council of the City of Central, Colorado approving the Second Amendment to the Intergovernmental Agreement by and between the City of Central and the Central City Business Improvement District.*

Attorney McAskin gave the background as follows:

Via Ordinance 13-17, the City Council has extended the \$5.00 per month gaming device fee (the "Marketing Fee") for calendar year 2014. The Marketing Fee may be adjusted to a maximum of \$7.00 per device per month, as set forth in the Ordinance. The City's existing intergovernmental agreement with the Central City Business Improvement District (the "CCBID") dated April 20, 2012 (the "IGA") must be amended in order to reflect the extension of the Marketing Fee and to establish the terms and conditions under which the CCBID will use the funds generated by the Marketing Fee in 2014 to accomplish the joint advertising and marketing goals of the City and the CCBID. The IGA was previously amended and extended for calendar year 2013 (the "First Amendment").

The proposed Second Amendment to the IGA (the "Second Amendment") is attached to the proposed Resolution as **Exhibit 1**. City Council may approve the Second Amendment to memorialize the terms under which the CCBID will utilize the funds generated by the Marketing Fee in 2014. The City implemented the Marketing Fee in 2011 (for collection and use in 2012); there are no fiscal impacts with the Council's extension of the Marketing Fee for 2014 or with the approval of the Second Amendment. The collection and disbursement of the Marketing Fee to the CCBID is set forth in the approved 2014 Budget.

As set forth above, the IGA is dated April 20, 2012. The IGA, as amended by the First Amendment approved in December of 2012, is scheduled to terminate on December 31, 2013. Paragraph 4.C. of the IGA requires that any amendment to the IGA be set forth in writing and executed by both the City and the CCBID.

Substantive provisions of the Second Amendment include:

- Marketing Fee revenues may only be used by the CCBID for costs and expenses associated with implementing the 2014 Marketing Plan or other costs and expenses approved by the City Manager in writing;
- Acknowledgment that the City will pay the CCBID a monthly management fee of \$833.33 per month to oversee and manage the shuttle service in accordance with the (the same monthly rate remitted to the CCBID in 2013).
- The term of the Second Amendment runs through December 31, 2014, and that any extension of the Marketing Fee must be extended through future legislative action of City Council.

Alderman Gaines asked for clarification of why the funding amount noted for marketing is different from the amount referenced in the just adopted Ordinance 13-17. Finance Director Flowers explained that the amount referenced in Ordinance 13-17 is the amount reflected to be collected in the 2014 Adopted Budget. The amount referenced in the IGA is the amount that the CCBID would

ideally like to collect. This information was provided by the BID after the 2014 Budget had already been adopted.

Alderman Heider asked if the \$403,000 cost for the shuttle actually brings in that much revenue. Manager Lanning stated the casinos pay for this through their device fees and that ridership on the shuttle is good. Mayor Engels added that it is a pass through cost that we collect from devices.

Alderman Voorhies moved to approve Resolution No. 13-29: A resolution of the City Council of the City of Central, Colorado approving the Second Amendment to the Intergovernmental Agreement by and between the City of Central and the Central City Business Improvement District. Alderman Gaines seconded, and without discussion, the motion carried unanimously.

STAFF REPORTS

Manager Lanning stated that there would be an Executive Session on the January 7th meeting to discuss some issues regarding development negotiations. Also, he complimented the community for the excellent turnout at the town hall meeting last week.

Alderman Gaines asked if Council will have a work session in January to discuss fees as requested in the staff report from the Water Department. She also noted the letter that Council received from Roy Varela complimenting Utilities Superintendent Griffith for his supervision of the Lawrence Street project.

Alderman Voorhies reported the bus companies stated they would not be coming up Gregory if they were going to be ticketed for not putting chains on their buses during inclement weather.. Chief Krelle stated chaining up is required in some weather conditions and they can choose to come up or not. She also thanked city staff for their assistance with the Tommyknockers events.

COUNCIL COMMENTS

Alderman Gaines asked whether or not the email recently received from a small business by the Council needed to be discussed at this time and also asked if the parking at the cemeteries could be put on an upcoming work session. The Mayor and Manager Lanning said that a response to the email would be forthcoming and did not need discussion at this time.

Alderman Voorhies asked when Council will discuss the Zimpel email. Manager Lanning stated that it will be discussed in the BID meeting on 12/26.

PUBLIC FORUM/AUDIENCE PARTICIPATION

Barbara Thieleman, 101 H Street, gave a report detailing the success of the Tommyknockers Events.

William Stitch, Horizon Coach Lines, stated that Horizon has been providing transportation for 20 years and that it is unfair and naïve to judge safe passage so wants to bring up to the Council how important clean streets are during bad weather.

Joe Behm, CCBID Director, asked to be a part of any meetings regarding the Pit Rally and added words of caution regarding a Parkway Access permit that ANY commercial business has to be a part of the BID.

Hearing no further business, Mayor Engels adjourned the meeting at 8:02 p.m.
The next Council meeting is scheduled for January 7, 2014 at 7:00 p.m.

Ronald E. Engels, Mayor

Reba Bechtel, City Clerk