CITY OF CENTRAL, COLORADO
NOTICE OF A REGULAR MEETING of the CITY COUNCIL to be held on
Tuesday, February 19, 2019 @ 6:00 p.m.
141 Nevada Street, Central City, Colorado
AGENDA

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

6:00pm Council Meeting

1. Call to Order.

2. Roll Call. Mayor Jeremy Fey
   Mayor Pro-Tem Judy Laratta
   Council members Jeff Aiken
   Jackie Mitchell
   Jack Hidahl

EXECUTIVE SESSION –
Pursuant to C.R.S. 24-5-402(4)(b) and -402(4)(e) to discuss specific legal questions and to instruct negotiators regarding proposed amendments to 1999 Growth IGA (Intergovernmental Agreement dated September 29, 1999)

Pursuant to C.R.S. 24-6-402(4)(b) to discuss specific legal questions related to process for collecting delinquent sales and use taxes and to discuss specific legal questions related to Article VII of the Home Rule Charter

RECONVENE REGULAR SESSION – at 7:00pm

3. Pledge of Allegiance

4. Additions and/or Amendments to the Agenda.

5. Conflict of Interest.

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

   Regular Bill lists through February 12; and
   City Council minutes: February 5, 2019

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

PUBLIC HEARING –

adding a new Article X to Chapter 2 titled Administrative Penalty Citations for Code Violations. (McAskin)

**ACTION ITEMS: NEW BUSINESS** –

8. Resolution No. 19-06: A resolution of the City Council of the City of Central, Colorado accepting Completion of construction for the Source Water Diversion Structures Improvements Project and authorizing final payment. (Nelson)

9. Ordinance No. 19-03: An ordinance of the City Council of the City of Central, Colorado, amending Section 2-4-10 and 2-4-60 of the Municipal Code. (McAskin)

**REPORTS** –

10. 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 March 5, 2019.

Please call Reba Bechtel, City Clerk at 303-582-5251 at least 48 hours prior to the Council meeting if you believe you will need special assistance or any reasonable accommodation in order to be in attendance at or participate in any such meeting.
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Grand Totals: 241,218.96
CALL TO ORDER
A regular meeting of the City Council for the City of Central was called to order by Mayor Fey at 7:08 p.m., in City Hall on February 5, 2019.

ROLL CALL
Present: Mayor Fey
Mayor pro tem Laratta
Alderman Aiken
Alderman Mitchell
Alderman Hidahl

Absent: None

Staff Present: City Manager Miera
Attorney McAskin
City Clerk Bechtel
Finance Director Robbins
Community Development Director Rears
Public Works Director Hoover
Utilities Director Nelson
GCSO Captain Ihme
Fire Chief Allen.

Pledge of Allegiance was recited by all present.

ADDITIONS AND/OR AMENDMENTS TO THE AGENDA
The agenda was approved with moving the Executive Session to the end of the meeting.

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

CONSENT AGENDA
Mayor pro tem Laratta moved to approve the consent agenda containing the regular bill lists through January 30 and the City Council minutes for the meeting on January 15, 2019. Alderman Mitchell seconded, and without discussion, the motion carried unanimously.

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

PUBLIC HEARING
Ordinance No. 19-01: An ordinance of the City Council of the City of Central, Colorado amending certain provisions of Chapters 1 and 11 of the Municipal Code and adding a new
Article VI to Chapter 11 titled Snow Removal in Downtown Commercial Core, concerning the requirement to remove snow and ice from City sidewalks in the Historic Downtown Gaming Zones.

CDD Rears reviewed the background and changes since first reading as follows:

Ordinance No. 19-01 establishes more robust snow removal requirements for public sidewalks within the historic commercial core and includes an administrative enforcement process for the new regulations. The Ordinance was approved on first reading on January 15, 2019.

The City currently has language pertaining to snow removal requirements set forth in Section 11-1-20 of the Municipal Code. Specifically, this Section of Code creates a duty for adjacent property owners and/or tenants to clear sidewalks of ice and snow within six (6) hours of cessation of snow fall, but with no enforcement mechanism outside of a civil action in court.

As discussed with City Council during first reading, both City Staff and City Council desire to add new language to the Municipal Code to address snow and ice removal requirements within the Historic Downtown Gaming (HDG) zone district and the Gregory Gulch Gaming (GGG) zone district, in order to ensure that property owners are responsible for utilizing best efforts for protecting pedestrian safety and to further ensure that the City appears “open for business” in order to promote business activities in the commercial core.

The new regulations are intended to provide for enhanced administrative enforcement in order to protect public safety through ensuring that sidewalks within the City’s commercial core are cleared following snow and ice events.

The Ordinance establishes penalties for failure to adhere to the snow and ice removal requirements and further provides that the City may abate snow hazards on behalf of a property owner/tenant/occupant/party with control over the property (“Responsible Party”) after the Responsible Party’s violation and failure to cure upon notice. Importantly, the Ordinance also adds an administrative enforcement mechanism. The process is generally as follows:

- Responsible Party fails to clear at least a four-foot strip of adjacent sidewalk.
- City Manager or designee issues a notice of violation, notifying the Responsible Party that that is the only notice they will receive for that snow season, and failure to clear the sidewalk within six (6) hours may result in the City’s clearing the sidewalk at the cost of the Responsible Party, and subject to additional administrative fines and costs.
- Responsible Party complies and clears sidewalk within required time – no further action required.
- Responsible Party fails to comply and fails to clear the sidewalks of snow and ice. The City Manager (or City Manager designee) may proceed to cause sidewalks to be cleared.
- Responsible Party is billed for actual costs of snow and ice removal, together with applicable fines and penalties cumulative through the snow season, in the following amounts:
  - First offense: $100
  - Second offense: $250
  - Third and all continuing offenses: $500

For subsequent violations that season, the City Manager may continue to cause the sidewalk to be cleared if Responsible Party fails to do so within six (6) hours of cessation of snowfall...
without additional notice. Additional fines and penalties will accrue.

The Ordinance also adds a new Section 1-7-30 to the Code to clarify that if penalties or fines remain unpaid, the City may certify the unpaid amounts to the Gilpin County Treasurer to be levied against the person’s property for collection by the County in the same manner as general taxes upon such property are collected.

In discussion of the stairways by the Masonic and the Division of Gaming building, Council consensus is to include publicly accessible stairways connecting city streets in the definition of Sidewalk.

Mayor Fey opened the Public Hearing at 7:36 p.m.

Barbara Thielmann, 101 H Street, questioned if the snow removal would apply to the Post Office parking lot.

Nicki Friedecke, 210 W 1st High, suggested that additional bonus dollars to the Public Works crew would encourage them to take on additional snow removal for property owners in violation.

Hearing no additional comments, Mayor Fey closed the Public Hearing at 7:38 p.m.

Alderman Hidahl moved to adopt Ordinance No. 19-01: An ordinance of the City Council of the City of Central, Colorado amending certain provisions of Chapters 1 and 11 of the Municipal Code and adding a new Article VI to Chapter 11 titled Snow Removal in Downtown Commercial Core, concerning the requirement to remove snow and ice from City sidewalks in the Historic Downtown Gaming Zones with the addition of publicly accessible stairways connecting public streets in the definition of sidewalks on second reading. Alderman Mitchell seconded, and without discussion, the motion carried unanimously.

**ACTION ITEMS: NEW BUSINESS**

Resolution No. 19-04: A resolution of the City Council of the City of Central, Colorado approving a Purchase Agreement with Hardline Equipment LLC authorizing the acquisition of a street sweeper.

Public Works Director Hoover explained that in 2018 the Public Works Department spent $17,000 on repairs for the old sweeper. This resolution approves a purchase agreement with Hardline Equipment LLC, for a new street sweeper, specifically a DULEVO 6000 and related equipment. The pricing obtained from Hardline is commensurate with pricing for similar vehicles ordered by other Colorado local governments (cooperative purchasing arrangement).

In order to make a competent decision about the acquisition of the Sweeper, the Public Works Department assembled a team of public works staff to review the performance, ask questions and get feedback about each of the mechanical street sweepers currently on the market. The Review Team consisted of myself, the Public Works Supervisor, a Senior Public Works Maintenance Worker and a Senior Fleet Mechanic. The Review Team reviewed the performance of four (4) street sweepers. The street sweepers were rated using a broad range of criteria including: the overall size of the machine, operator comfort, cab ergonomics, power, maneuverability, hopper
size, percent of material swept from the roadway in one pass, amount of dust created, ease of
maintenance, parts availability and the overall cost of the machine. Based upon the results of the
Review Team's analysis, the Public Works Department proceeding to obtain cooperative
purchasing pricing from Hardline for the Sweeper.

The total purchase price for the Sweeper is $219,944.00, net of trade-in allowance for the City’s
existing TYMCO street sweeper. The purchase price is within the $220,000 budgeted in the
City’s approved 2019 Budget for acquisition of a new street sweeper.

Mayor pro tem Laratta moved to approve Resolution No. 19-04: A resolution of the City Council
of the City of Central, Colorado approving a Purchase Agreement with Hardline Equipment LLC
authorizing the acquisition of a street sweeper. Alderman Mitchell seconded. and without
discussion, the motion carried unanimously.

Ordinance No. 19-02: An ordinance of the City Council of the City of Central, Colorado,
amending the City of Central Municipal Code to establish an administrative citation procedure
for addressing specified violations of the Municipal Code, specified violation of the Municipal
Code, specifically adding a new Article X to Chapter 2 titled Administrative Penalty Citations
for Code Violations.

Attorney McAskin gave the background as follows:
Ordinance No. 19-02 establishes an administrative citation procedure for addressing specific
violations of the Municipal Code. Specifically, the Ordinance adds a new Article X to Chapter 2
of the Code, titled “Administrative Penalty Citations for Code Violations.” City Staff has
determined that ongoing compliance of the requirements of the City of Central Municipal Code
regarding property maintenance and other Code requirements, including but not limited to
keeping sidewalks within the City free from snow and ice and other obstructions, and complying
with applicable building codes, is vital to maintaining a positive community atmosphere and
preserving and enhancing property values. A failure of property owners to adhere to the Code
requirements may result in the impairment of taxable values upon which taxable values upon
which the continued fiscal health of the City depends. Developing a procedure for issuing
administrative citations will assist community development staff and enforcement officers in
gaining timely compliance by residents.

The Ordinance authorizes administrative enforcement of Code violations as an alternative to
prosecution in municipal court, and will assist with promoting and protecting the public’s health,
safety and welfare.

Mayor pro tem Laratta moved to adopt Ordinance No. 19-02: An ordinance of the City Council
of the City of Central, Colorado, amending the City of Central Municipal Code to establish an
administrative citation procedure for addressing specified violations of the Municipal Code,
specified violation of the Municipal Code, specifically adding a new Article X to Chapter 2 titled
Administrative Penalty Citations for Code Violations and further moved that second reading and
public hearing be scheduled for Tuesday, February 19, 2019 at 7:00 p.m. to be held in these
Council Chambers. Alderman Aiken seconded. and without discussion, the motion carried
unanimously.
Resolution No. 19-05: A resolution of the City Council of the City of Central, Colorado amending the City of Central Comprehensive Fee Schedule.

CDD Rears explained that this proposed resolution amends the comprehensive fee schedule to include revised fees related to fees for grading, excavations and erosion control permits. The revised schedule includes the automatic adjustment for water rates.

The City’s current charge for grading is high and if lowered the fee would be more in line with the cost of administering a grading permit. Staff expects the revenues received to be minimal and almost all of the fees are designed to recover costs, not be sources of additional revenue.

Alderman Aiken moved to approve Resolution No. 19-05: A resolution of the City Council of the City of Central, Colorado amending the City of Central Comprehensive Fee Schedule. Mayor pro tem Laratta seconded, and without discussion, the motion carried unanimously.

REPORTS
CDD Rears provided an update on the Richville House which is expected to move to a location on Spring Street once the weather improves and a foundation can be poured.

COUNCIL COMMENTS
Mayor pro tem Laratta stated she is happy to be back in attendance.

Alderman Hidahl noted that the Century Casino parking garage needs improved maintenance specifically the stairwells, sweeping and striping.

Mayor Fey thanked the community for attending and encouraged ongoing participation at future meetings.

PUBLIC FORUM/AUDIENCE PARTICIPATION
Barb Thielemann, 101 H Street, thanked the City for being a Copper Sponsor at the CPI Conference and provided an overview from her attendance.

EXECUTIVE SESSION
At 8:35 p.m., Mayor pro tem Laratta moved to go into Executive Session pursuant to C.R.S. 24-6-402(4)(b) and 402(4)(e) to discuss specific legal questions and to instruct negotiators regarding proposed changes to existing 1999 Growth IGA (Intergovernmental Agreement dated September 29, 1999) and further moved to reconvene the February 5, 2019 regular City Council meeting at the conclusion of the executive session for the purpose of taking any action deemed necessary. Alderman Aiken seconded, and without discussion, the motion carried unanimously by a vote of 5-0.

At approximately 9:56 p.m., the executive session was concluded and Mayor Fey announced that the participants in the executive session had been: Mayor Jeremy Fey, Mayor pro tem Laratta, Alderman Jeff Aiken, Alderman Jackie Mitchell, Alderman Jack Hidahl, City Manager Daniel Miera,, City Attorney Marcus McAskin, and Community Development Director Ray Rears.

Mayor Fey proceeded to make the following announcement:
For the record, if any person who participated in the executive session believes that any substantial discussion of any matters not included in the motion to go into executive session occurred during the executive session, or that any improper action occurred during the executive session in violation of the Open Meetings law, I ask that you state your concerns for the record.

There being no concerns, Alderman Aiken moved to adjourn the February 5th regular City Council meeting. Alderman Hidalg seconded, and without discussion, the motion to adjourn was approved unanimously at 10:00 p.m.

The next Council meeting is scheduled for February 19, 2019 at 7:00 p.m.

Jeremy Fey, Mayor 

Reba Bechtel, City Clerk
AGENDA ITEM # 7
CITY COUNCIL COMMUNICATION FORM

TO: Mayor Fey and Members of City Council
FROM: Marcus McAskin, City Attorney
DATE: February 13, 2019 (Meeting Date February 19, 2019)
ITEM: Ordinance 19-02 (Second Reading)

____ X ___ ORDINANCE
____ ___ MOTION / RESOLUTION
____ ___ INFORMATION

I. REQUEST OR ISSUE: Ordinance No. 19-02 ("Ordinance") establishes an administrative citation procedure for addressing specific violations of the Municipal Code. Specifically, the Ordinance adds a new Article X to Chapter 2 of the Code, titled "Administrative Penalty Citations for Code Violations."

The Ordinance was approved on first reading on February 5th, and City Council set second reading and public hearing for February 19th.

Sec. 5.10(4) of the Home Rule Charter requires that the Ordinance be posted in full and published either in full or by title and summary. Sec. 5.10(6) of the Charter states that an ordinance approved on first reading may be considered for second reading and final approval at a meeting not earlier than seven (7) days after publication of notice of passage of the Ordinance on first reading.

Publication of the Ordinance (by title and summary) was originally scheduled for the Thursday, February 7th edition of the Weekly Register-Call. Per correspondence received from the City Clerk, the publication of the Ordinance did not occur but is scheduled to occur on February 14th or February 21st. Due to the timing of the publication, City Council may not
consider the Ordinance for final approval at the February 19th.

Staff is recommending that City Council open and continue the public hearing on the Ordinance to the Tuesday, March 5th regular meeting.

II. BACKGROUND:

City Staff has determined that ongoing compliance of the requirements of the City of Central Municipal Code ("Code") regarding property maintenance and other Code requirements, including but not limited to keeping sidewalks within the City free from snow and ice and other obstructions, and complying with applicable building codes, is vital to maintaining a positive community atmosphere and preserving and enhancing property values.

A failure of property owners to adhere to the Code requirements may result in the impairment of taxable values upon which taxable values upon which the continued fiscal health of the City depends.

Developing a procedure for issuing administrative citations will assist community development staff and enforcement officers in gaining timely compliance by residents.

The Ordinance authorizes administrative enforcement of Code violations as an alternative to prosecution in municipal court, and will assist with promoting and protecting the public's health, safety and welfare.

III. RECOMMENDED ACTION / NEXT STEP: Continue the public hearing to Tuesday, March 5, 2019.

IV. FISCAL IMPACTS: N/A - The Ordinance provides for the imposition of administrative fines and costs to defray enforcement costs.

V. LEGAL ISSUES: N/A

VI. CONFLICTS OR ENVIRONMENTAL ISSUES: N/A

PROPOSED MOTION: "I MOVE TO OPEN AND CONTINUE THE PUBLIC HEARING ON ORDINANCE NO. 19-02, TO TUESDAY, MARCH 5, 2019, AT 7:00 PM TO BE HELD IN THESE COUNCIL CHAMBERS."

Attachments:

1. Ordinance No 19-02
CITY OF CENTRAL, COLORADO
ORDINANCE NO. 19-02

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTRAL, COLORADO, AMENDING THE CITY OF CENTRAL MUNICIPAL CODE TO ESTABLISH AN ADMINISTRATIVE CITATION PROCEDURE FOR ADDRESSING SPECIFIED VIOLATIONS OF THE MUNICIPAL CODE, SPECIFICALLY ADDING A NEW ARTICLE X TO CHAPTER 2 TITLED ADMINISTRATIVE PENALTY CITATIONS FOR CODE VIOLATIONS

WHEREAS, the City of Central ("City") is authorized under its home rule charter and Title 31 of the Colorado Revised Statutes to adopt and amend ordinances in furtherance of governmental administration and the City's police powers; and

WHEREAS, the City Council finds that ongoing compliance of the requirements of the City of Central Municipal Code ("Code") regarding property maintenance and other Code requirements, including but not limited to keeping sidewalks within the City free from snow and ice and other obstructions, or complying with applicable building codes, is vital to maintaining a positive community atmosphere and preserving and enhancing property values, and that failure by property owners and others who are responsible for the upkeep of property within the City does or may result in impairment of taxable values upon which, in part, municipal revenues depend; and

WHEREAS, the City Council further finds that a procedure for issuing administrative citations will assist community development staff and enforcement officers in gaining timely compliance by residents, and that providing the combination of judicial and administrative remedies set forth herein will promote and protect the public's health, safety and welfare.

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

Section 1. Chapter 2 of the City of Central Municipal Code, Administration and Personnel, is hereby amended by the addition of a new Article X titled "Administrative Penalty Citations for Code Violations" to read in full as follows:

CHAPTER 2
Administration and Personnel

Article X Administrative Penalty Citations for Code Violations
Sec. 2-10-10 General intent
Sec. 2-10-20 Definitions
Sec. 2-10-30 Authority
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Sec. 2-10-10  **General intent.**

(a) The City Council finds that enforcement of the City of Central Municipal Code is an important public service, and that code enforcement is vital to the protection of the public’s health, safety, welfare, and quality of life. The City Council further finds that a comprehensive code enforcement system that uses a combination of judicial and administrative remedies is critical to gain compliance with the ordinances set forth in subsection (b) of this Section.

(b) This Article authorizes administrative penalties be imposed for violation of the following sections of the City of Central Municipal Code:

1. Chapter 7, Article I (Administration and Abatement of Nuisances);
2. Chapter 7, Article II (Nuisances);
3. Chapter 7, Article III (Garbage and Refuse);
4. Chapter 7, Article IV (Weed Regulation and Control);
5. Chapter 11, Article I (Sidewalks);
(6) Chapter 11, Article VI (Snow Removal in Downtown Commercial Core), except that only Sections 2-10-20 and 2-10-60 through 2-10-130 of this Article shall apply;

(7) Chapter 14 (Sign Code);

(8) Chapter 16 (Land Development Code); and

(9) Chapter 18 (Building Regulations)

(c) The purpose of this Article is to encourage prompt compliance with the Code and prompt payment of penalties for noncompliance.

Sec. 2-10-20 Definitions.

The following words, terms and phrases, when used in this Article, shall have the following meanings, unless the context clearly indicates otherwise:

*Administrative Hearing Officer* means a person appointed by the City Manager to hear and determine administrative citation appeals. The City Manager may appoint an employee of the City or another person possessing qualifications acceptable to the City Manager as a hearing officer to hear and receive evidence and render a decision on the law and facts. The hearing officer may not have personally determined, in the first instance, the factual issues in controversy and may have no personal or financial interest in the outcome of the hearing.

*City* means the City of Central.

*City Manager* means the City Manager or the City Manager's designee.

*Code* means those provisions of the City of Central Municipal Code enumerated in Section 2-10-10 above.

*Enforcement official* means an employee or agent of the City authorized to enforce the ordinances of the City, including but not limited to the Community Development Director or designee, or authorized code enforcement personnel.

*Responsible party* means a person or entity who has violated the Code or, in the case of property violations, the responsible party may also be the property owner, the occupant, or an individual or an entity who has a possessory interest in any building, structure or real property in the City subject to an administrative citation under this Article.
Sec. 2-10-30 Authority.

(a) Any responsible party violating any provision of the Code may be issued an administrative citation by an enforcement official as provided in this Article.

(b) Notwithstanding any other provision of the Code, responsible parties cited under the provisions of this Article shall have only the appeal rights granted herein.

(c) Each day a violation exists or continues shall constitute a separate and distinct violation for which a separate administrative citation may be issued.

(d) A civil penalty assessed by means of an administrative citation may be collected by any means allowed by law.

(e) Enforcement actions are intended to be cumulative in nature. The City may pursue one or more civil, criminal, and administrative actions, fees, fines, sentences, penalties, judgments, and remedies, and may do so simultaneously or in succession. The enactment of this administrative remedy shall in no way interfere with the City’s right to prosecute violations in the municipal court.

Sec. 2-10-40 Procedures for issuance of administrative citation.

(a) Whenever the enforcement official determines that a violation of the Code exists, the enforcement official shall give a notice of violation and order to correct ("Notice of Violation") to the responsible party. The Notice of Violation shall be in writing and shall describe with reasonable detail the violation so that the responsible party may properly correct it. The Notice of Violation shall provide a reasonable time for correction given the circumstances of the violation, but in no case more than thirty (30) days.

(b) The Notice of Violation shall be served as follows:

(1) The enforcement official should attempt to issue the Notice of Violation to the responsible party at the site of the violation. If the responsible party is not located, a copy of the Notice of Violation shall be left with any adult person residing or working at the site, or if no adult person is found at the site and the violation occurred on private property or on property for which the responsible party has responsibility, then a copy of the Notice of Violation shall be posted in
a conspicuous place on the property of the responsible party.

(2) If the Notice of Violation is not personally served on the responsible party, then a copy of the Notice of Violation shall also be sent by first class mail to the responsible party. In the case of violations occurring on private property where the owner of such property is a responsible party, the Notice of Violation shall be sent to the address shown in the Gilpin County Assessor records. In the case of violations occurring on property for which the responsible party is not the owner, the Notice of Violation shall be sent to the most recent mailing address available to the City for the responsible party.

(3) The Notice of Violation shall be deemed served on the date of receipt by the responsible party, if personally served, or upon the third (3rd) business day after mailing of the Notice of Violation.

(4) If after service of the Notice of Violation, the Code violation is not timely corrected, an enforcement official may issue an administrative citation to a responsible party.

(5) Service of an administrative citation on a responsible party shall be made in the same manner as the Notice of Violation as described herein, except that the enforcement official should attempt to obtain the signature of the person receiving the administrative citation on the administrative citation. If that person refuses or fails to sign the administrative citation, or the enforcement official otherwise does not obtain the responsible party’s signature, such absence of the responsible party’s signature shall not affect the validity of the administrative citation and subsequent proceedings.

(c) If a responsible party has been issued an administrative citation or Notice of Violation within the previous twelve (12) months for the same violation, service of a Notice of Violation is not required, and the enforcement official may immediately issue an administrative citation upon determining a violation of the Code exists.

Sec. 2-10-50. Contents of administrative citation.

(a) If the violation is not corrected as required by the Notice of Violation, or if issuance of a Notice of Violation is not required pursuant to subsection (c) of Section 2-10-40, an administrative citation may be issued to the responsible party. The administrative citation shall state the date and location of the violation or violations, and the approximate time the violations were observed. Where applicable, the administrative citation shall identify the property in violation by address or legal description.
(b) The administrative citation shall state the Code sections violated and describe the violations.

(c) The administrative citation shall describe the action required to correct the violations.

(d) The administrative citation shall require the responsible party to correct the violations within a reasonable time given the circumstances, and shall explain the consequences of failure to correct said violations.

(e) The administrative citation shall state the amount of penalty imposed for the violations.

(f) The administrative citation shall explain how the penalty shall be paid, the date by which it must be paid, and the consequences of failure to pay the penalty.

(g) The administrative citation shall identify the right and procedures for appealing the administrative citation.

(h) The administrative citation shall contain the signature of the enforcement official and the signature of the responsible party, if it can be obtained.

Sec. 2-10-60. Penalties assessed.

(a) If the responsible party fails to correct the violation, subsequent administrative citations may be issued for violations of the same Code section. The penalties assessed for each administrative citation issued for violations of the same Code section or sections shall be established by the City Council by ordinance or resolution. Nothing in this Section shall prohibit the City Council from delegating authority to the City Manager to establish the penalties assessed for each administrative citation, but shall not exceed the following amounts, regardless of the number of violations per citation.

(1) First administrative citation: One hundred fifty dollars ($150.00).

(2) Second administrative citation: Five hundred dollars ($500.00).

(3) Third or subsequent administrative citation: Nine hundred and ninety-nine dollars ($999.00).
(b) Payment of the penalty shall not excuse the failure to correct the violations nor shall it bar further enforcement action by the City.

(c) All penalties assessed shall be payable to the City. Payment of the full amount of the penalty must be paid in person at the Office of the City Clerk within ten (10) calendar days, or postmarked within ten (10) calendar days, of the date of issuance of the administrative citation or Administrative Enforcement Order, or within the time specified on the Administrative Enforcement Order.

Sec. 2-10-70 Appeal of administrative citation.

(a) A person served with an administrative citation may file a notice of appeal in person or postmarked within ten (10) calendar days from the service of the administrative citation. Compliance with this time limit shall be a jurisdictional prerequisite to any appeal brought under this Article. Failure to comply with such time limit shall be deemed a waiver of the right to a hearing and the adjudication of the issues related to the hearing, provided that proper notice of the administrative citation has been provided.

(b) The notice of appeal shall be made in writing, filed with the City Clerk, and contain the following information:

(1) The reasons the appellant believes the administrative citation is objectionable, incorrect or illegal;

(2) The amount and type of claim or dispute involved, and the time during which it accrued or occurred;

(3) The name, address, telephone number and email address of the appellant;

(4) If the appellant is to be represented by another person, the name, address and telephone number of the representative; and

(5) The signature of the appellant, legal representative, or corporate agent.

(c) A processing fee of seventy-five dollars ($75.00) shall be paid simultaneously with the filing of the notice of appeal. The processing fee is not refundable, except as provided in Section 2-10-90(l).

(d) If, in the opinion of the City Manager, the appeal meets all of the requirements of subsections (a) through (c) of this Section, the City Manager shall appoint an Administrative Hearing Officer and forward the notice of appeal to that person.
(e) If, in the opinion of the City Manager, the appeal does not meet all of the requirements of subsections (a) through (c) of this Section, the City Manager shall promptly return the appeal and notify the appellant of what requirements the appeal fails to meet. The appellant may correct and resubmit the appeal without paying an additional processing fee, provided the timeframe for filing an appeal set forth in subsection (a) of this Section has not expired.

(f) As soon as practicable after receiving the written notice of appeal, the Administrative Hearing Officer appointed for the appeal shall schedule a date, time and location for the hearing, unless, if requested by the appellant and in the sole discretion of the Administrative Hearing Officer, it is submitted on written brief and supporting material.

(g) Written notice of the date, time and location of the hearing shall be personally served upon or sent by first class mail to the responsible party at least ten (10) calendar days prior to the date of the hearing.

Sec. 2-10-80 Procedures and standards at administrative citation appeal hearings.

(a) The administrative citation appeal hearing shall follow procedures as set forth herein.

(b) Formal rules of evidence and discovery do not apply; however, an exchange of discovery may be required by the Administrative Hearing Officer or requested by a party. The request must be in writing. Failure to request discovery shall not be a basis for a continuance of the hearing.

(c) The parties to an administrative citation appeal hearing shall be the responsible party and the City.

(d) The Administrative Hearing Officer, at the request of any party to the hearing, may subpoena witnesses, documents and other evidence where the attendance of the witness or the admission of evidence is deemed necessary to decide the issues at the hearing. All costs related to the subpoena, including witness fees in the amount of five dollars ($5.00) per witness, and mileage fees at the rate provided for witnesses by statute, shall be borne by the party requesting the subpoena. The party requesting a subpoena shall also be responsible for service of the subpoena.

(e) The City bears the burden of proof at an administrative citation appeal hearing to establish the existence of a violation of the Code.

(f) The standard of proof to be used by the Administrative Hearing
Officer in deciding the issues at an administrative citation appeal hearing is by a preponderance of the evidence.

(g) The Administrative Hearing Officer shall cause to be made a record of the hearing, by sound recording, and shall make available a transcript of the hearing to any person upon request and payment in advance of the estimated cost of the production of the transcript.

(h) The Administrative Hearing Officer shall render a written decision, accompanied by findings of fact and conclusions based thereon.

(i) All witnesses shall be sworn or shall affirm their testimony in the manner required in courts of record.

Sec. 2-10-90 Duties and powers of the Administrative Hearing Officer.

(a) The Administrative Hearing Officer shall determine whether appeals of administrative citations are valid. In so doing, the Administrative Hearing Officer shall determine whether the administrative citation under appeal was issued in compliance with the requirements of the City’s ordinances. In each case, the Administrative Hearing Officer shall be charged with performing all functions relating to the final determination and order, and entertaining petitions or motions made in writing. The Administrative Hearing Officer shall perform those duties and functions necessary and incidental to determining the matter, issuing subpoenas, authorizing depositions, administering oaths, hearing all evidence, examining all documents, ruling on evidentiary questions, and generally conducting the hearing as a quasi-judicial proceeding.

(b) In the discretion of the Administrative Hearing Officer, parties to the hearing may be required to file a pre-hearing statement before the appeal is set for hearing. The pre-hearing statement may include: the issues raised by the appeal; agreed and disputed facts; copies of exhibits not previously included in the record; names of witnesses with a brief statement summarizing their testimony; an estimate of the time necessary to present a party’s evidence; and other matters as requested by the Administrative Hearing Officer.

(c) All hearings or, when an appeal is submitted for determination based on written argument and written facts and figures, all examination of such written petitions and papers shall be conducted by the Administrative Hearing Officer assigned to conduct the hearing or to examine the written material submitted.

(d) The admissibility of evidence shall be encouraged, and the Administrative Hearing Officer shall consider all evidence of probative value.
The Administrative Hearing Officer may utilize his or her experience, technical competence, and specialized knowledge in the evaluation of evidence presented.

(e) Copies, photographs and photocopies may be admitted into evidence or substituted in evidence in place of originals.

(f) Witnesses needed to give opinion testimony as experts must be qualified as such, and their qualifications should be submitted in advance to the Administrative Hearing Officer.

(g) Whenever it appears that an appeal is not properly before the Administrative Hearing Officer, or that the appellant for some other reason lacks jurisdiction or standing, the case may be dismissed on the motion of any party or the Administrative Hearing Officer.

(h) Mailings, notices, computations of time, time limitations, service and filings shall conform to the requirements of the particular law or ordinance involved.

(i) The written decision of the Administrative Hearing Officer shall be known as the Administrative Enforcement Order. The Administrative Hearing Officer shall service copies of the Administrative Enforcement Order on the City and responsible party by first class mail, and the Administrative Enforcement Order shall be deemed served on the third (3rd) business day after mailing.

(j) The parties may enter into a stipulated agreement, which must be signed by both parties. Upon approval and acceptance by the Administrative Hearing Officer, this agreement shall be entered as the Administrative Enforcement Order. Entry of this agreement shall constitute a waiver of the right to a hearing and the right to appeal.

(k) The Administrative Hearing Officer may uphold the administrative citation and all penalties, dismiss the administrative citation and all penalties, or may uphold the administrative citation and waive or conditionally reduce the penalties assessed by the administrative citation. The Administrative Hearing Officer may also impose conditions and deadlines to correct the violation or require payment of any outstanding penalties.

(l) If the Administrative Hearing Officer dismisses the administrative citation and all penalties due to the City's failure to satisfy its obligations under this Article, the appellant's seventy-five dollar ($75.00) processing fee shall be promptly refunded.
(m) The Administrative Hearing Officer has continuing jurisdiction over the subject matter of an administrative citation appeal hearing for the purposes of granting a continuance, ordering compliance by issuing an Administrative Enforcement Order, ensuring compliance of that Order, modifying an Administrative Enforcement Order, or, where extraordinary circumstances exist, granting a new hearing. The Administrative Hearing Officer may schedule subsequent review hearings as may be necessary or as requested by a party to the hearing to ensure compliance with the Administrative Enforcement Order.

Sec. 2-10-10C False information or refusal prohibited.

It is unlawful for any person to willfully make a false statement or refuse to give his or her name or address with intent to deceive or interfere with the enforcement official when in the performance of official duties in the provisions of this Article. Any person who willfully makes a false statement or refuses to give his or her name or address with intent to deceive or interfere with the enforcement official shall be guilty of a misdemeanor and upon conviction thereof shall be punished as set forth in Chapter 1, Article IV of the Code.

Sec. 2-10-110 Failure to obey subpoena.

It is unlawful for any person to refuse to obey a subpoena issued by the Administrative Hearing Officer. Any person who fails to obey a subpoena shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine or confinement in jail or by both such fine and imprisonment as set forth in Chapter 1, Article IV of the Code.

Sec. 2-10-120 Failure to attend administrative citation appeal hearing.

Any responsible party who fails to appear at an administrative citation appeal hearing shall be deemed to have waived the right to a hearing and the adjudication of the issues related to the hearing, provided that proper notice of the hearing has been provided.

Sec. 2-10-130 Failure to comply with Administrative Enforcement Order.

It is unlawful for a responsible party who has been served with a copy of an Administrative Enforcement Order to fail to comply with such Order. Any person who fails to comply with an Administrative Enforcement Order shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine or confinement in jail or by both such fine and imprisonment as set forth in Chapter 1, Article IV of the Code. Prosecution for failure to comply
with an Administrative Enforcement Order shall not commence until the time
to appeal such Order has lapsed.

Sec. 2-10-140 Failure to pay penalties.

(a) The failure of any responsible party to pay the civil penalties
assessed by an administrative citation or Administrative Enforcement Order
within the time specified on the citation or Order, respectively, may result in
the imposition of a late fee of twenty-five dollars ($25.00) and interest at a rate
of ten percent (10%) per annum.

(b) In the event of failure to pay all penalties assessed, the City
Manager may refer the matter for collection by whatever means are available to
the City.

(c) In the case of violations associated with specific real property,
the City shall have as security for the collection of such penalties, late fees,
interest, and administrative costs a lien upon such real property. The assessment
shall be a lien against the property until paid and shall have priority over all
other liens except general taxes and special assessments. If such assessment is
not paid when due, the City Manager may certify the amounts outstanding to
the Gilpin County Treasurer for collection in the manner specified in Sec. 1-7-30
of the Municipal Code.

(d) Any action or other process provided by law may be maintained
by the City to recover or collect any amounts, including late fees, penalties,
interest and administrative costs under this Article.

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. 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 5th day of February, 2019, at Central City, Colorado.
CITY OF CENTRAL, COLORADO

Jeremy Fey, Mayor

Approved as to form:

[Signature]

Marcus McAskin, City Attorney

ATTEST:

[Signature]

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 ________________, 2019.

CITY OF CENTRAL, COLORADO

Jeremy Fey, Mayor

ATTEST:

[Signature]

Reba Bechtel, City Clerk
POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY in the Weekly Register Call newspaper on ____________, 2019.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on ________________, 2019.
AGENDA ITEM # 8
CITY COUNCIL COMMUNICATION FORM

FROM: Jason Nelson, Utilities Director

THROUGH: Marcus McAskin, City Attorney

DATE: February 5, 2019 (for February 19, 2019 meeting)

ITEM: Resolution No. 19-06 – Project Close Out – Source Water Diversion Structures Improvement Project

NEXT STEP: Council Action on Resolution No. 19-06

ORDINANCE
X RESOLUTION(S)
INFORMATION

I. REQUEST OR ISSUE:

Resolution No. 19-06 memorializes the City's preliminary acceptance of the work performed on the City's water diversion structures, including Miner's Gulch, Peck's Gulch, and Broomfield Gulch (together, the "Source Water Diversion Structures Improvement Project" or "Project").

Following a competitive bidding process, the Project work was awarded to Dietzler Construction Corporation (the "Contractor"), and City Council authorized entering into a construction contract with Contractor by Resolution No. 18-14 dated June 5, 2018.

The Resolution also authorizes final payment to the Contractor.

II. BACKGROUND INFORMATION:
• City entered into a Loan Agreement with the Colorado Water Resources & Power Development Authority (30 years / 0% interest) to finance the Project (the “CWRPDA Loan”).

• City retains W2E Engineers, LLC (“W2E”) as the City/Owner representative for the Project.

• City issued an Invitation for Bids for the Project.

• Project awarded to Contractor on June 5, 2018.

• The Construction Contract was executed on June 27, 2018.

• Contractor has completed the Project and has submitted a final pay application to the City.

• W2E has confirmed that Project has been completed satisfactorily and is recommending final payment.

• Notice of final payment has been published in accordance with applicable statutory requirements, specifically C.R.S. § 38-26-107.

III. RECOMMENDED ACTION / NEXT STEP: Approve Resolution No. 19-06. Approval of the Resolution will permit the City Manager to: (1) arrange for final payment to the Contractor; (2) close out the CWRPDA Loan; and (3) arrange for annual payments to CWRPDA in 2019 and thereafter, in accordance with all applicable terms and conditions of the CWRPDA Loan Agreement.

IV. LEGAL ISSUES: None.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES: None.

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

(1) Adopt Resolution No. 19-06; or

(2) Reject or deny Resolution No. 19-06.

RECOMMENDED MOTION:

"I MOVE TO APPROVE RESOLUTION NO. 19-06, A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CENTRAL, COLORADO ACCEPTING COMPLETION OF CONSTRUCTION FOR THE SOURCE WATER DIVERSION STRUCTURES IMPROVEMENTS PROJECT AND AUTHORIZING FINAL PAYMENT."
CITY OF CENTRAL, COLORADO
RESOLUTION NO. 19-06

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CENTRAL,
COLORADO ACCEPTING COMPLETION OF CONSTRUCTION FOR THE SOURCE
WATER DIVERSION STRUCTURES IMPROVEMENTS PROJECT AND
AUTHORIZING FINAL PAYMENT

WHEREAS, by Resolution No. 18-14 dated June 5, 2018, the City Council authorized a
construction contract with Dietzler Construction Corporation (the “Contractor”) for timely
completion of the City’s Source Water Diversion Structures Improvements Project (the “Project”); and

WHEREAS, the City and Contractor entered into that certain construction contract dated
June 27, 2018 for the Project (the “Contract”); and

WHEREAS, Contractor has completed the Project and has submitted a final pay
application to the City; and

WHEREAS, the City retained W2E Engineers, LLC (“W2E”) as the City’s representative
for the Project; and

WHEREAS, the Contractor has, in the opinion of W2E, satisfactorily completed the
Project; and

WHEREAS, City Council desires to memorialize preliminary acceptance of the Project
and authorize final payment to the Contractor; and

WHEREAS, notice of final payment has been published in accordance with the
requirements of C.R.S. § 38-26-107; and

WHEREAS, the Project is being financed through that certain Loan Agreement dated May
31, 2018, by and between the City, acting by and through its Water Fund Enterprise, and the
Colorado Water Resources and Power Development Authority (the “Loan Agreement”); and

WHEREAS, City Council desires to delegate all necessary authority to the City Manager
to make the final payment to the Contractor and make annual payments, as necessary, to the
Colorado Water Resources and Power Development Authority (“CWRPDA”) under the terms of
the Loan Agreement.

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

Section 1. The foregoing recitals are incorporated into this Resolution.
Section 2. Based on the recommendation of W2E, the City Council hereby accepts the Project as substantially complete, subject to the applicable terms and conditions of the Contract, and subject to all required Contractor warranties.

Section 3. The City Council hereby delegates all necessary authority to the City Manager to make the final payment to the Contractor, on and after Tuesday, February 25, 2019, and further delegates all necessary authority to the City Manager to close out the Loan Agreement and to arrange for annual payments to CWRPDA in 2019 and thereafter, subject to all applicable terms and conditions of the Loan Agreement.

Section 4. Effective Date. This Resolution shall take effect upon its approval by the City Council.

ADOPTED THIS 19th DAY OF FEBRUARY, 2019.

CITY OF CENTRAL, COLORADO

By: ________________________________

Jeremy Fey, Mayor

ATTEST:

By: ________________________________

Reba Bechtel, City Clerk

APPROVED TO FORM:

By: ________________________________

Marcus McAskin, City Attorney
AGENDA ITEM # 9
CITY COUNCIL COMMUNICATION FORM

FROM: Christiana McCormick, Assistant City Attorney
DATE: February 14, 2019 (for February 19, 2019 meeting)
ITEM: Ordinance 19-03, An Ordinance of the City Council of the City of Central, Colorado, Amending Sections 2-4-10 and 2-4-60 of the Municipal Code

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I. REQUEST OR ISSUE: Ordinance No. 19-03 amends the Municipal Code to make explicit that the City is not subject to the jurisdiction of the Independent Ethics Commission or the ethics provisions of Article XXIX of the Colorado Constitution (“Article XXIX”) pursuant to an exemption for home rule municipalities set forth in Article XXIX.

II. RECOMMENDED ACTION / NEXT STEP: Consider and approve Ordinance No. 19-03 on first reading and schedule a public hearing and second reading of the Ordinance on a time and date certain.

Currently, it is anticipated that second reading of the Ordinance will occur on Tuesday, March 5, 2019 at 7:00 p.m.

III. BACKGROUND INFORMATION:

Central's Home Rule Charter, at Section 5.12, requires that the City Council set rules for the governance of its meetings and the conduct of its members by ordinance and that the City Council adopt an ordinance which defines misconduct in office and which sets penalties for violation of the ordinance. To fulfill the directive of Section 5.12, the City adopted Article IV of Chapter 2 of the Municipal Code (“Code of Ethics”).

Following the City's adoption of its Code of Ethics, Colorado voters passed Amendment 41, which was a constitutional citizen initiative on the ballot of the November 2006 election.
Amendment 41 was codified into Article XXIX. It establishes the Independent Ethics Commission ("IEC"), which is an entity that provides ethics oversight for government officials in Colorado. The IEC hears complaints, issues findings, and assesses penalties in connection with ethics issues arising under Article XXIX and other standards of conduct as provided by law.

However, Article XXIX allows home rule municipalities with their own ethics codes that address the matters in Article XXIX to be exempt from the IEC's jurisdiction and the ethics provisions in Article XXIX.

A recent Denver District Court order in *Dunafon v. Jones et al.*, in which Glendale (home rule) was challenging the IEC's jurisdiction over it, interpreted Article XXIX to mean that the IEC has no jurisdiction over home rule municipalities that have adopted their own ethics codes and procedures, which do not have to be exactly the same as the standards in the Colorado Constitution.

Because Central is such a home rule municipality, the City Attorney's office recommends making it explicit in the City's Code of Ethics that the City falls under this exemption and clarifying that Article XXIX does not apply to the City.

Therefore, Ordinance 19-03 includes the following amendments to Sections 2-4-10(b) and 2-4-60(5), with additions shown in bold and deletions shown in strikethrough:

Sec. 2-4-10. Authority, purposes and general policies.

(b) Purposes. The purposes of this Article are to:

(1) State principles of conduct and ethics which are to be applied in public service;

(2) Help motivate City officers and employees to pursue productive conduct and ethical ideals which exceed minimum standards;

(3) Provide a process by which City officers and employees may identify and resolve conduct and ethical issues;

(4) Identify minimum standards of ethical conduct for City officers and employees;

(5) Inform the public of the minimum standards to which their City officers are expected to adhere;

(6) Promote public confidence in the integrity of City officers;

(7) Establish penalties, when appropriate, for City officers who violate the public trust; and

(8) Protect to the fullest extent possible the rights of all individuals who are subject in any way to the provisions of this Article; and

(9) Address the matters covered by Article XXIX of the Colorado Constitution. As a home rule municipality, the City of Central intends that this Article supersede Article XXIX of the Colorado Constitution.
Sec. 2-4-60. Prohibited conduct; City officer.

(5) Engage in any conduct which would constitute a conflict of interest as defined by this Article or under the laws of the State of Colorado.

IV. **FISCAL IMPACTS:** None.

V. **LEGAL ISSUES:** None.

VI. **CONFLICTS OR ENVIRONMENTAL ISSUES:** None.

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

1. Adopt Ordinance No. 19-03 on first reading, as may or may not be amended;

2. Direct staff to make revisions to the Ordinance and schedule consideration of the Ordinance on a future City Council agenda for first reading; or

3. Reject or deny the Ordinance.

RECOMMENDED ACTION: "I MOVE TO APPROVE ORDINANCE NO. 19-03, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTRAL, COLORADO, AMENDING SECTIONS 2-4-10 AND 2-4-60 OF THE MUNICIPAL CODE ON FIRST READING, AND FURTHER MOVE THAT SECOND READING AND PUBLIC HEARING ON THE ORDINANCE BE SCHEDULED FOR TUESDAY, MARCH 5, 2019, AT 7:00 PM TO BE HELD IN THESE COUNCIL CHAMBERS."
CITY OF CENTRAL, COLORADO
ORDINANCE 19-03

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTRAL, COLORADO, AMENDING SECTIONS 2-4-10 AND 2-4-60 OF THE MUNICIPAL CODE

WHEREAS, the City of Central ("City") is authorized under its home rule charter and Title 31 of the Colorado Revised Statutes to adopt and amend ordinances in furtherance of governmental administration and the City's police powers; and

WHEREAS, the City Council previously adopted certain ethics provisions, codified in Article IV of Chapter 2 of the Municipal Code ("Code of Ethics") pursuant to Section 3.2 of the City's Home Rule Charter for the purposes of implementing Section 5.12 of the Home Rule Charter; and

WHEREAS, Section 5.12 of the Home Rule Charter mandates that the City Council set rules for the governance of its meetings and the conduct of its members by ordinance; and

WHEREAS, after the codification of the Code of Ethics, Colorado voters passed Amendment 41 to the Colorado Constitution at the November 2006 election; and

WHEREAS, Amendment 41 was codified into Article XXIX of the Colorado Constitution ("Article XXIX") and allows for an independent ethics commission ("IEC") to hear complaints, issue findings, and assess penalties in connection with ethics issues arising under Article XXIX and other standards of conduct as provided by law; and

WHEREAS, Article XXIX contains an explicit exemption from the IEC’s jurisdiction and the ethics provisions of Article XXIX for home rule municipalities that have adopted their own ethics codes addressing the matters covered by Article XXIX;

WHEREAS, because the City is a home rule municipality and has its own Code of Ethics that addresses the matters covered by Article XXIX, the City desires to amend the Municipal Code to make explicit that the City is exempt from the jurisdiction of the IEC and application of Article XXIX ethics provisions; and

WHEREAS, it is in the best interest of the people of the Central City to amend Section 2-4-10 of the Municipal Code, titled "Authority, purposes and general policies", at subsection (b) and Section 2-4-60 of the Municipal Code, titled "Prohibited conduct; City officer", at subsection (5) to clarify that the City of Central is exempt from the IEC’s jurisdiction and application of Article XXIX because the Municipal Code addresses the matters set forth in Article XXIX.

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

Section 1. Section 2-4-10(b) of the Municipal Code is hereby amended to add a subsection (9) and shall read in full as follows:

(b) Purposes. The purposes of this Article are to:
(1) State principles of conduct and ethics which are to be applied in public service;

(2) Help motivate City officers and employees to pursue productive conduct and ethical ideals which exceed minimum standards;

(3) Provide a process by which City officers and employees may identify and resolve conduct and ethical issues;

(4) Identify minimum standards of ethical conduct for City officers and employees;

(5) Inform the public of the minimum standards to which their City officers are expected to adhere;

(6) Promote public confidence in the integrity of City officers;

(7) Establish penalties, when appropriate, for City officers who violate the public trust;

(8) Protect to the fullest extent possible the rights of all individuals who are subject in any way to the provisions of this Article; and

(9) Address the matters covered by Article XXIX of the Colorado Constitution. As a home rule municipality, the City of Central intends that this Article supersedes Article XXIX of the Colorado Constitution.

Section 2. Section 2-4-60(5) of the Municipal Code is hereby amended to read as follows:

(5) Engage in any conduct which would constitute a conflict of interest as defined by this Article.

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 ___ day of _____________, 2019, at Central City, Colorado.

CITY OF CENTRAL, COLORADO

Jeremy Fey, Mayor

Approved as to form:

Marcus McAskin, City Attorney

ATTEST:

Reba Bechtel, City Clerk

PASSED AND ADOPTED on second reading, at the regular meeting of the City Council of the City of Central on the ___ day of _____________, 2019.

CITY OF CENTRAL, COLORADO

Jeremy Fey, Mayor

ATTEST:

Reba Bechtel, City Clerk

POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY in the Weekly Register Call newspaper on _____________, 2019.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on _____________, 2019.
<table>
<thead>
<tr>
<th>Code Enforcement</th>
<th>Sidewalk Snow</th>
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<tbody>
<tr>
<td></td>
<td>Worked with the City of Northglenn and our prosecutor on draft language code update.</td>
</tr>
<tr>
<td>Feb. 8 - Annual Notice mailed / posted</td>
<td>2019</td>
</tr>
<tr>
<td></td>
<td>57</td>
</tr>
<tr>
<td></td>
<td>2018</td>
</tr>
<tr>
<td></td>
<td>33</td>
</tr>
<tr>
<td></td>
<td>2017</td>
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<table>
<thead>
<tr>
<th>Code Enforcement</th>
<th>Respond to complaints made</th>
</tr>
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<tbody>
<tr>
<td>Colorado Preservation Inc. - Saving Places Conference - Tour of Central City - Wednesday Feb. 6th - Cancelled due to snow</td>
<td></td>
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<tr>
<td>2019 cases - Proposed roof plans for 200 E. 4th St. - Revised Design Guidelines St. James - Sta Replaced - Completed</td>
<td></td>
</tr>
<tr>
<td>DOLA Minor Impact Grant - Awarded - up to 27,930</td>
<td></td>
</tr>
<tr>
<td>Historic Preservation Commission Form Works Design Group Selected</td>
<td></td>
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<tr>
<td>DOA Minor Impact Grant - Awarded - up to 27,930</td>
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<tr>
<th>Behavioral Theater</th>
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<tbody>
<tr>
<td>Historic Preservation Grant to support University coursework in Central City - 2019-2021 - Submitted February 15th</td>
</tr>
<tr>
<td>CU Denver Rapid Food Assessment - Report Completed - Presentation with Council on March 5th</td>
</tr>
<tr>
<td>Heal Colorado URM - Technical Assistance November 2018 - Draft under review</td>
</tr>
<tr>
<td>Northwest Colorado Enterprise Zone</td>
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<tr>
<th>Economic Development</th>
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<tbody>
<tr>
<td>Topic: Comp Plan / Zone Change Request</td>
</tr>
<tr>
<td>Last Meeting: November 2018</td>
</tr>
<tr>
<td>Planning Commission will be providing a revised plan by March 1, 2019</td>
</tr>
<tr>
<td>Denver Adventures Growth IGA - Negotiation has started</td>
</tr>
<tr>
<td>Various Initial Development / Building inquiries addressed</td>
</tr>
<tr>
<td>Planning</td>
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| Department Update - February 19, 2019 |
| Department Development - | 2019 |
| Permit | 538,600 |
| Value | 33 |
| 2019 |
| Permit | 52,900.600 |
| Value | 33 |
| 2018 |
| Permit | 39,553.900 |
| Value | 33 |
| 2017 |
Historic Preservation & Code Enforcement Officer – Position Postled – First Review of Applications on Feb. 22nd

UC Denver Intern
Main Street Advisor
Training at UC Denver
Managing Contractors

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<tr>
<th>Staff</th>
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<tbody>
<tr>
<td>PBX Phone Systems</td>
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<tr>
<td>Conference Management</td>
</tr>
<tr>
<td>Live streaming of City Council Meetings</td>
</tr>
<tr>
<td>Administration, Promotion and Monitoring Continue</td>
</tr>
<tr>
<td>Website - Social Media - Currently Revising the Web Page</td>
</tr>
<tr>
<td>Video Visual/Website Information Technology</td>
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Marketing Plan

| Focus on Diversifying in Process of Creating |
| Created for 2019+ |
| Currently have two applicants for new events |
| Waiting for direction as to future approval process |
| Initial Radio, Broadcasts and Plasters |
| Digital Radio and Plasters |
| Heart Radio – KOA/Rockies’ Broncos Spots |
| Channel 7 |
| 2019 Media Buy |
| Printed and placed in various locations |

Direct City Marketing / Promotion
Mid-Sized City - Two Open Positions
Editing video footage and digital media content
Central City will be developed “Mobile Town Guide Central City” – Expires in 2019
2019 Billboard Lottery selections made
Since our last council update, public works staff has performed the following activities:

- Performed snow removal
- Performed vehicle maintenance on the fleet
- Hauled snow from the business district
- Monitored the remodeling project for Community Development
- Removed the Holiday Decorations and tree
- Submitted a work order to Xcel for additional street lighting on the Central City Parkway and received confirmation that the work order was received