

**CITY OF CENTRAL  
CITY COUNCIL MEETING  
April 17, 2012**

**CALL TO ORDER**

A regular meeting of the City Council for the City of Central was called to order by Mayor Engels at 7:07 p.m., in City Hall on April 17, 2012.

**ROLL CALL**

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

Absent: None

Staff Present: Manager Lanning  
Attorney Michow  
City Clerk Bechtel  
Finance Director Flowers  
CDD/HPO Thompson  
Operations Director Kisselman  
Water Department Manager 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 amended to move the discussion for the appointment of Municipal Judge out of Executive Session and add it to the regular session as item #15.

**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 of April 5 and 12; March Financial Report; and the City Council minutes of April 3, 2012. Alderman Giancola seconded, and without discussion, the motion carried unanimously.

**PUBLIC FORUM/AUDIENCE PARTICIPATION**

Ann Dodson, for Easy Street, thanked the Public Works crew for doing a great job cleaning the streets. She stated her support for the Music on Main Street proposal on the agenda.

David Douglas, representing 103 H Street, stated that the grant review process denied all 4 grant applications for this address and would like Council to reconsider the funding allocations since they have emergency damages occurring at this time.

## **SECOND READING & PUBLIC HEARING**

Ordinance No. 12-02: *An ordinance of the City Council of the City of Central, Colorado, repealing Article IX of Chapter 6 of the Central City Municipal Code and enacting a new Article IX of Chapter 6 concerning licensing and regulation of Pawnbrokers, and providing a penalty for violation thereof.*

Ordinance No. 12-03: *An ordinance of the City Council of the City of Central, Colorado, amending Sections 16-35 and 16-163 of Chapter 16 titled Zoning, of the Central City Municipal Code concerning Pawnbrokering.*

Attorney Michow explained that these proposed changes regarding pawnbrokering have been presented twice to Council and will streamline the application and licensing process as well as clarifying regulations for recordkeeping requirements and enforcement. The zoning changes will allow this use in the HDG and GGG zone districts and prohibit this use as for home businesses.

At 7:18 p.m., Mayor Engels opened the Public Hearing. Hearing no comment, at 7:19 p.m., Mayor Engels closed the Public Hearing.

Alderman Spain moved to adopt Ordinance Nos. 12-02: An ordinance of the City Council of the City of Central, Colorado, repealing Article IX of Chapter 6 of the Central City Municipal Code and enacting a new Article IX of Chapter 6 concerning licensing and regulation of Pawnbrokers, and providing a penalty for violation thereof. Alderman Voorhies seconded and, without discussion, the motion carried unanimously.

Alderman Spain moved to adopt Ordinance 12-03: An ordinance of the City Council of the City of Central, Colorado, amending Sections 16-35 and 16-163 of Chapter 16 titled Zoning, of the Central City Municipal Code concerning Pawnbrokering. Alderman Giancola seconded and, without discussion, the motion carried unanimously.

## **NEW BUSINESS**

### Parkway Fence

Joe Behm, President for the Central City Business Improvement District explained that the Parkway Fence was identified as one of the ten key initiatives that would further the goals of an improved economy and impact on visitors to the city as well as a rallying point for residents and those who do business in the community. The goal is to evoke a positive reaction to the city.

A marketing ad hoc committee comprised of both residents and business managers/owners, have embarked on a branding campaign that will showcase not only the gaming enterprises but also the “other fun things to do in Central.” Part of this program includes a 30-second television spot that includes the sweeping, breathtaking view of the city from the final curve of the Parkway. This footage was shot in 2005 as part of another television spot that showcases the Parkway (prior to the installation of the fencing). Advertising consultant, Lew Cady, has stressed the fact that the city view needs to be showcased in order to confirm the premise of the ads. The committee believes that a significant WOW factor exists with this view of the city and should be used to further the goals of the marketing program.

Mr. Behm asked for two options to be considered:

- 1) Remove the fence on a temporary basis and review public comments in six months. If a substantial number of full-time residents are unhappy with the impacts of traffic upon their quality of life, proceed to option #2.
- 2) Remove the existing fence and replace it with a shorter version, thereby remaining sensitive to the issues from homeowners and yet providing the awe-inspiring views of our historic community. The average headlight height of a four-door standard fuel-efficient automobile is 28 inches. The average headlight height of an average SUV is 40 inches. And, the average headlight height of a nine passenger SUV is 44 inches. All of these measurements are significantly below the existing height of the fencing. It should be noted, all of the previous complaints from residents came from those living below the grade of the Parkway, meaning, the lower headlights were an issue.

Alderman Spain asked about the pictures in the packet and if headlights further up would be more visible. The response was that the curve would change the direction of the headlights. Mayor Engels stated that he recalled the fence was to only be temporary with landscaping as the long term goal. Operations Director Kisselman stated that the slope and water levels could be a factor though staff could get an arborist up here to take a look. Mayor Engels asked if anyone had spoken to the residents below the fence. Mr. Behm stated he had not done a survey but one comment from a resident sometime ago stated that they enjoyed seeing the lights coming into town.

Alderman Giancola moved to remove the fence on the parkway. Alderman Voorhies seconded and, without discussion, the motion carried unanimously.

### Main Street Music

Joe Behm, President for the Central City Business Improvement District asked for consideration of a Main Street music ambiance program that will provide a low-volume, yet engaging entertainment for visitors to our historic community.

Mr. Behm explained that in 2007, due to competing amplified music on Main Street emanating from casinos, the City Council enacted an ordinance prohibiting amplified music (other than from approved special events). This ordinance was derived from complaints from casino operators, not residents. It should be noted that pre-gaming, amplified music from the taverns and honky-tonks was part and parcel to the Central City experience.

The casino operators on Main Street are in agreement that the addition of a single-source of amplified music, set to specified levels and to approved sources, would add to the ambiance and experience of Main Street visitors. And, the new streetscape renovation provides even more attraction for visitors to stroll from shop to casino to shop along Main Street and that a pleasant level of background music would be enticing and contribute to return trips.

The current ambient level of sound on Main Street fluctuates from 40 to 50 db, depending upon vehicular and pedestrian traffic.

The Business Improvement District and Main Street casinos support the repeal of the old and adoption of a new ordinance that allows for a single source of amplified music and suggest the following conditions:

- 1) Music will be allowed on from 10am to 10 pm, Sunday through Thursday and from 10am to 1am, Friday and Saturday.
- 2) Music will be set at a level not to exceed 50 db, as measured from the west side of Main.
- 3) The style of music will be representative of the guest: using XM as a source, Sinatra channel, easy listening jazz, Jimmy Buffet, coffee house, holiday.
- 4) All speakers will be located on the east side of Main, above Dostal Alley, Crystal Palace, Easy Street and Scarlets. This provides the best control of the sound, yet adequate coverage of north Main.
- 5) The City reserves the right to make emergency announcements.
- 6) Due to inclement weather, high winds, etc., the system will be shut down to avoid any unforeseen db levels encroaching into residential areas.
- 7) The casinos (funding partners) agree to adjust the program as necessary.

Attorney Michow recommended some legal analysis for 1<sup>st</sup> amendment rights especially if it is operated through the City and if the BID is operating it would be a different analysis.

Alderman Voorhies stated that this would be a concern for residents since the noise does carry and the time into the evening would need to be less than 1:00 am.

Mayor Engels stated the Council consensus to direct staff to do some analysis.

#### Monument Sign

Alex Thome, Fentress Architects, presented 4 options for signs with variations in color and style. After discussion on the lighting, color, style, and location on the lot, it was agreed that staff will take it forward to HPC for their input.

Resolution No. 12-06: *A resolution of the City Council of the City of Central amending the City of Central Comprehensive Fee Schedule.*

City Clerk Bechtel explained that there will be fiscal impacts to the City in terms of use of police department resources in performing background checks and processing of pawn ticket information. Our proposed fees are in line with other municipalities.

Alderman Voorhies moved to approve Resolution 12-07: A resolution of the City Council of the City of Central amending the City of Central Comprehensive Fee Schedule. Alderman Giancola seconded and, without discussion, the motion carried unanimously.

Resolution No. 12-07: *A resolution of the City Council of the City of Central, Colorado, approving the form of the lease agreement with the Modular Space Corporation and authorizing the execution and delivery thereof.*

Operations Director Kisselman explained this trailer is needed to maintain operations and communication in the public works department and provide adequate office, storage space, bathroom facilities, and break room at the public works facility at 400 Eureka Street. This request was approved by HPC for one year with the condition that we bring forward long range plans for a permanent facility. This will be a one year lease for \$1700 from the Modular Trailer #01-431-6116.

Alderman Spain moved to approve Resolution 12-07: A resolution of the City Council of the City of Central, Colorado approving the form of the lease agreement with the Modular Space

Corporation and authorizing the execution and delivery thereof. Alderman Voorhies seconded and, without discussion, the motion carried unanimously.

#### Historic Grant Program

CDD/HPO Thompson explained that we have received 32 grant requests and are requesting funding for 13 grants following HPC review and approval. Since the HPC meeting, the owner of 113 Spruce called to let us know her insurance company would replace her roof. After polling the HPC members, we have reallocated the \$7,640 to the Teller House atrium.

The property at 103 H Street was not funded since the type of work requested in the 4 applications was not life safety or comprehensive repair work.

Alderman Voorhies moved to accept the proposed grants. Alderman Spain seconded and, without discussion, the motion carried unanimously.

Ordinance No. 12-04: *An ordinance amending Ordinance No. 10-15 to impose additional regulations regarding water meters on all water-using units within the City as codified in Article 1, Chapter 13 or the Central City Municipal Code.*

Operations Director Kisselman explained that this ordinance will provide Public Works the ability to access owner's property with 72 hours advance written notice for the purposes of installing water meters. As we progress with the installation of water meters, contacting some homeowners could become more difficult so this ordinance provides the City the ability to terminate water service to the home if the home owner is non-responsive to our repeated requests to access the home for the purposes of installing water meters.

Alderman Spain moved to adopt Ordinance No. 12-04: An ordinance amending Ordinance No. 10-15 to impose additional regulations regarding water meters on all water-using units within the City as codified in Article 1, Chapter 13 of the Central City Municipal Code and set the Public Hearing for May 1, 2012. Alderman Voorhies seconded and, without discussion, the motion carried unanimously.

#### Appointment of Municipal Judge

Mayor Engels stated that the next step in the process is to have staff schedule interviews with the three candidates.

#### **STAFF REPORTS**

Manager Lanning reported the following:

Website – the new site is now up and running

Water attorney – June 5<sup>th</sup> meeting will start at 6:00 with Executive Session to receive a water update

Parking Study – there is an independent parking study being done that will be completed in the next 2 weeks

Developer Projects – the potential gulch project is moving forward and Morrone Ranch has a deadline at the end of April so we can expect that project to also be moving forward

#### **COUNCIL COMMENTS**

Alderman Lee asked staff to put together a summary and overview on the Mainstreet Project. Operations Director Kisselman stated that he has published the final notice and is working on

closing out the project which will happen in the next 30-45 days. Staff has also applied for and received a \$10,000 planning grant for the Spring Street project and will apply for additional grant money when the planning is complete.

**PUBLIC FORUM/AUDIENCE PARTICIPATION**

No one requested time to address the Council.

**EXECUTIVE SESSION –**

At 8:50 p.m. Alderman Voorhies moved to adjourn immediately following the CIRSA DVD for Public Officer Liability Training into Executive Session :pursuant to C.R.S. § 24-6-402(4)(b) for purposes of receiving legal advice concerning Home Rule Charter and Code of Ethics Compliance and City Manager contract. Alderman Giancola seconded and, without discussion, the motion carried unanimously.

The next regular Council meeting is scheduled for May 1, 2012 at 7:00 p.m.

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Ronald E. Engels, Mayor

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Reba Bechtel, City Clerk