

CITY OF CENTRAL, COLORADO
NOTICE OF A REGULAR MEETING of the CITY COUNCIL to be held on
Tuesday, May 3, 2016 @ 7:00 p.m.
141 Nevada Street, Central City, Colorado
AGENDA

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

7:00pm Council Meeting

1. Call to Order.

2. Roll Call. Mayor Ron Engels
Mayor Pro-Tem Kathy Heider
Council members Shirley Voorhies
Judy Laratta
Jeff Aiken

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 April 27; and
City Council minutes: April 19, 2016.

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 –

7. Ordinance No. 16-01: An ordinance amending certain provision of Article IV (Traffic Regulations) and Article V (Miscellaneous Regulations) of Chapter 8 of the City of Central Municipal Code. (McAskin)
8. Ordinance No. 16-02: An ordinance of the City Council of the City of Central, Colorado submitting a Ballot Issue at the November 8, 2016 Election regarding imposing a tax of five percent (5%) on all retail sales of marijuana and retail marijuana products, which is expected to increase the City's revenues by approximately \$130,000 in 2017 (the first full fiscal year). (McAskin)

REPORTS –

9. 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 May 17, 2016.

Posted 4/28/2016

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.

| Check Issue Date | Check Number | Payee | Description | Amount |
|------------------|--------------|--------------------------------------|--------------------------------------|------------------|
| 04/27/2016 | 131186 | Abigail Adame | Reimbursement for GFOA Training | 1,947.73 |
| 04/27/2016 | 131187 | AIA Services, LLC | Military style caps | 1,068.52 |
| 04/27/2016 | 131188 | AIRGAS USA LLC | Welding Supplies | 105.42 |
| 04/27/2016 | 131189 | AIR-O-PURE PORTABLES | Portable Rental | 210.00 |
| 04/27/2016 | 131190 | ASSURANT EMPLOYEE BENEFITS | Employee Benefits for April | 2,244.24 |
| 04/27/2016 | 131191 | Brody Chemical | Brake Parts Cleaner | 59.40 |
| 04/27/2016 | 131192 | CARDMEMBER SERVICES | LED Lights | 3,402.55 |
| 04/27/2016 | 131193 | CENTURY LINK | 303-562-5253-519B | 53.76 |
| 04/27/2016 | 131194 | CINTAS Corporation | AED View Lease | 539.27 |
| 04/27/2016 | 131195 | CIRSA | 2015 VAMP Audit | 27.50 |
| 04/27/2016 | 131196 | COLORADO STATE TREASURER | First Quarter State Unemployment Tax | 979.16 |
| 04/27/2016 | 131197 | Complete Business Systems of C, Inc. | Seagate 3TB Hard Drive | 982.00 |
| 04/27/2016 | 131198 | DE LAGE LANDEN | Printer Lease for Savin | 572.07 |
| 04/27/2016 | 131199 | Digital Data Services, Inc | Central City Parcel Edits | 1,425.00 |
| 04/27/2016 | 131200 | EMERGENCY REPORTING | Fire Reporting | 165.00 |
| 04/27/2016 | 131201 | GILPIN ART STUDIO TOUR | Gilpin Art Studio Tour | 200.00 |
| 04/27/2016 | 131202 | INTERMOUNTAIN SWEEPER CO | Street Sweeper Parts | 958.86 |
| 04/27/2016 | 131203 | INTERNATIONAL CODE COUNCIL | Membership Dues | 135.00 |
| 04/27/2016 | 131204 | JVA INCORPORATED | Subconsultant-Apex Consulting | 2,873.00 |
| 04/27/2016 | 131205 | LEXIPOL | Law Enforcement Procedure Manual - o | 3,592.00 |
| 04/27/2016 | 131206 | OFF ROAD LTD | Fire Truck Repair | 1,614.98 |
| 04/27/2016 | 131207 | OFFICE STUFF, INC. | Serge Protectors | 186.83 |
| 04/27/2016 | 131208 | PEAK PERFORMANCE IMAGING | Metered Billing for Printer | 661.64 |
| 04/27/2016 | 131209 | PROSPECTORS RUN HOA | April 2016 Snow Removal - Mack Rd | 800.00 |
| 04/27/2016 | 131210 | REX OIL COMPANY | Diesel Fuel | 2,865.99 |
| 04/27/2016 | 131211 | ROI FIRE & BALLISTICS | Jackets & Pants | 1,830.00 |
| 04/27/2016 | 131212 | SPRINT | Long Distance | 21.97 |
| 04/27/2016 | 131213 | Swanhorst & Company | Interim Billing-2015 Financial Audit | 5,800.00 |
| 04/27/2016 | 131214 | THE MOUNTAIN EAR | 1 Year Subscription | 52.00 |
| 04/27/2016 | 131215 | United States Treasury | Correction to 941 Payment | 96.58 |
| 04/27/2016 | 131216 | USA COMMUNICATIONS | Internet Svcs for Fire Dept. | 50.95 |
| 04/27/2016 | 131217 | WASTE MANAGEMENT OF DENVER | Roll-off | 1,461.73 |
| 04/27/2016 | 131218 | WEAR PARTS & EQUIPMENT CO. | Brooms for pull-behind Sweeper | 1,108.64 |
| 04/27/2016 | 131219 | XCEL ENERGY | Big T Lot/139 SpringSt. | 98.03 |
| 04/27/2016 | 131220 | YESCO | Maintenance Agreement | 95.00 |
| Grand Totals: | | | | <u>38,284.82</u> |

**CITY OF CENTRAL
CREDIT CARD PURCHASES**

| <u>Date</u> | <u>Vendor</u> | <u>Description</u> | <u>Amount</u> |
|-------------|----------------------------|----------------------------------|---------------|
| 3/7/2016 | Northern Tool | Wrench for Kubota - Public Works | 241.12 |
| 3/7/2016 | T & D Car Wash | Vehicle Wash - Police Dept. | 8.92 |
| 3/8/2016 | Antlers at Vail | CML Conf - Shirley Voorhees | 322.81 |
| 3/8/2016 | Antlers at Vail | CML Conf - Daniel Miera | 395.28 |
| 3/8/2016 | Destination Resorts - Vail | CML Conf - Kathy Heider | 297.00 |
| 3/23/2016 | Grainger | Cable String - Main St. Lights | 945.90 |
| 3/30/2016 | Harbor Freight | Misc. Tools - Public Works | 161.59 |
| 3/10/2016 | Colo. Municipal League | CML Conf - Ray Rears | 265.00 |
| 3/10/2016 | Fineline Graphics | Bus Signs - Public Works | 342.00 |
| 3/15/2016 | Lorex Technologies | Replace Camera - Police Dept. | 269.99 |
| 4/4/2016 | Tuff LED, LLC | LED Lights - Fire Dept. | 152.94 |

TOTAL for Credit Cards **3,402.55**

Total for All Cards **3,402.55**

**CITY OF CENTRAL
CITY COUNCIL MEETING
April 19, 2016**

CALL TO ORDER

A regular meeting of the City Council for the City of Central was called to order by Mayor Engels at 7:12 p.m., in City Hall on April 19, 2016.

ROLL CALL

Present: Mayor Engels
Mayor *pro tem* Heider
Alderman Voorhies
Alderman Laratta
Alderman Aiken

Absent: None

Staff Present: City Manager Miera
City Clerk Bechtel
Attorney McAskin
Finance Director Adame
Community Development Director Rears
Public Works Director Hoover
Public Utilities Director Nelson
Fire Chief Allen

The Pledge of Allegiance was recited by all present.

ADDITIONS AND/OR AMENDMENTS TO THE AGENDA

The agenda was approved as presented.

CONFLICTS OF INTEREST

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

CONSENT AGENDA

Alderman Voorhies moved to approve the consent agenda containing the regular bill lists through April 7; and the City Council minutes for the meeting on March 15, 2016. Mayor *pro tem* Heider seconded, and without discussion, the motion carried unanimously.

PUBLICFORUM/AUDIENCEPARTICIPATION

Alison Hickok, 340 Lawrence Street, stated her support for Ordinance 16-01 as it is in the interest of public health, safety and welfare of the community.

ACTION ITEMS: NEW BUSINESS

Ordinance No. 16-01: An ordinance amending certain provision of Article IV (Traffic Regulations) and Article V (Miscellaneous Regulations) of Chapter 8 of the City of Central Municipal Code.

City Manager Miera explained that the City has experienced an increase in commercial vehicle and bus parking in residential districts of the City, as well as in other portions of the City. City Staff desires to restrict bus loading and unloading to the three specific shuttle stops currently designated within the City boundaries, and adopt regulations aimed at minimizing or eliminating other externalities associated with the unlawful parking or operation of commercial vehicles within the City.

The proposed Ordinance makes modifications to existing provisions of Article IV and Article V of Chapter 8 of the Municipal Code, regulating vehicle and traffic. By way of example and not limitation the proposed Code revisions proposed by the Ordinance modify Sections 8-4-20 and Section 8-4-30 of the Code to permit the City Council to authorize the City Manager to post traffic control or other appropriate signs in accordance with Chapter 8 of the Code in order to take all necessary and proper steps to restrict vehicular traffic on certain public streets, highways or any other roadways located within the City when merited by conditions that Council finds to exist following review at a public meeting. Such traffic restriction may be accomplished by gating devices, barricades and other traffic control devices, as appropriate, to control access onto and off of such public streets, highways or any other roadways located within the City. As set forth in the proposed revisions, no such traffic restrictions shall be imposed which leave any parcel of land without an established public road or private-access easement connecting said parcel of land with another established public road.

C.R.S. § 42-4-110(1) authorizes the City to regulate and enforce all traffic and parking restrictions on roads and streets within the City's jurisdiction. Additionally, state law recognizes the necessity for supplemental municipal traffic regulations and the City is specifically authorized to implement additional traffic controls. The regulation of traffic and parking restrictions on local City streets is a matter of local and municipal concern and the City is authorized to regulate the same as a Colorado home rule municipality.

Manager Miera added that we will place additional signs for bus loading areas and work with the bus companies for volunteer compliance. Staff will add additional commercial delivery loading areas as well.

Alderman Voorhies moved to adopt Ordinance No. 16-01: An ordinance amending certain provision of Article IV (Traffic Regulations) and Article V (Miscellaneous Regulations) of Chapter 8 of the City of Central Municipal Code with second reading and public hearing on Tuesday, May 3, 2016 at 7:00 p.m. Alderman Laratta seconded, and without discussion, the motion carried unanimously.

Ordinance No. 16-02: *An ordinance of the City Council of the City of Central, Colorado submitting a Ballot Issue at the November 8, 2016 Election regarding imposing a tax of five percent (5%) on all retail sales of marijuana and retail marijuana products, which is expected to increase the City's revenues by approximately \$130,000 in 2017 (the first full fiscal year).*

Attorney McAskin reviewed the background for Ordinance No. 16-02 which refers a ballot issue to City voters at the November 8, 2016 election regarding the approval of a five percent (5%) sales tax on retail marijuana and retail marijuana products, and proposes a new Article XI of Chapter 4 of the Municipal Code titled "Special Retail Marijuana Sales Tax" which will only take effect if approved by the City electorate at the November 8th election.

Approval of the Ordinance by City Council will not have any fiscal impact on the City. If the

referred ballot issue is approved by voters at the November 8, 2016 election, the new five percent (5%) sales tax is expected to generate revenues not to exceed \$130,000.00 in the first full fiscal year (being January 1 through December 31, 2017).

November 8th is the date of the next general municipal election which will be held in accordance with Article IV of the City's Home Rule Charter. Section 20 of Article X of the Colorado Constitution ("TABOR") requires voter approval of any tax increase or change in tax policy.

In addition, Section 13.1 of the City's Home Rule Charter, and consistent with the provisions of TABOR, authorizes the City Council to level and collect taxes for any and all municipal purposes, provided that no sales tax shall be levied until such tax is approved by a majority of the electors voting at a regular or special election.

City Council desires to refer a ballot issue to the electors of the City without a petition which will impose a tax in the amount of five percent (5%) of the purchase price paid or charged for retail marijuana and retail marijuana products, as those terms are defined in state law and in the Municipal Code, and which sales tax shall be in addition to the sales tax and any other state tax imposed on sales of retail marijuana and retail marijuana products.

Mayor *pro tem* Heider moved to adopt Ordinance No. 16-02: An ordinance of the City Council of the City of Central, Colorado submitting a Ballot Issue at the November 8, 2016 Election regarding imposing a tax of five percent (5%) on all retail sales of marijuana and retail marijuana products, which is expected to increase the City's revenues by approximately \$130,000 in 2017 (the first full fiscal year) with second reading and public hearing on Tuesday, May 3, 2016 at 7:00 p.m. Alderman Laratta seconded, and without discussion, the motion carried unanimously.

Resolution No. 16-12: A resolution of the City Council of the City of Central, Colorado, approving the First Addendum to Memorandum of Understanding regarding Law Enforcement Services. Manager Miera explained that Resolution 16-12 ("Resolution") approves the First Addendum to the Memorandum of Understanding for Law Enforcement Services with the Gilpin County Sheriff's Office ("First Addendum"). The Memorandum of Understanding ("MOU") was approved by City Council via Resolution 16-11 and was effective on March 8, 2016. The First Addendum establishes a new hourly rate for the normal or routine law enforcement services to be provided by the GCSO to the City and authorizes the GCSO to utilize one (1) additional CCPD patrol vehicle during the term of the MOU.

As set forth in the First Addendum, the hourly rate for normal and routine law enforcement services will increase from \$25.00 to \$36.07. This figure is based on GCSO's actual documented cost to put a deputy on the street (salary + benefits + uniform and equipment).

Mayor *pro tem* Heider moved to approve Resolution No. 16-12: A resolution of the City Council of the City of Central, Colorado, approving the First Addendum to Memorandum of Understanding regarding Law Enforcement Services. Alderman Laratta seconded, and without discussion, the motion carried unanimously.

Resolution No. 16-13: A resolution of the City Council of the City of Central, Colorado, waiving certain application requirements for the City's 2016 Access Project and conditionally approving an Access Permit for the project.

Attorney McAskin gave the background as follows:

Resolution No. 16-13 (“Resolution”) ratifies the City Manager’s conditional approval for an access permit for certain access improvements on the Central City-Casino Parkway. Specifically, the City desires to permit and construct two access ramps:

- (1) Providing access off the Parkway (near the KOA Campground); and
- (2) Providing access to the Parkway (the Virginia Canyon Road on-ramp).

Collectively, these improvements are referred to as the *Central City Parkway Access Project* (the “City Project”). Preliminary engineering plans for the City Project (“Plans”) have been completed by the City’s consulting engineer, JVA, Inc. and are on file with the City.

By adoption of the 2016 Budget, the City Council has appropriated \$230,000.00 for completion of the City Project in 2016. Approval of Resolution No. 16-13 will allow the City to commence with the City Project according to the tentative project schedule set forth below.

City’s Parkway Access Code is set forth in Article VII of Chapter 8 of the Municipal Code. Section 8-7-40 of the Access Code requires that any newly proposed access requires an access permit from the City. Section 8-7-50(b) of the Access Code authorizes the City to waive any application requirements based on the nature of the application submittal. This office is informed that the City Manager has previously determined that the following application requirements may be waived for the City Project:

- (1) Completed application form,
- (2) Payment of application fees and changes,
- (3) Drainage study and drainage plan,
- (4) Street lighting plan, and
- (5) Traffic impact study.

The City has consolidated the preliminary submittal and final submittal review processes, and that other submittal requirements referenced in Section 8-7-70(3) of the Access Code including the performance, payment and completion guarantee and insurance requirements, have been waived given that the City is self-performing the 2016 Project.

The City Project has been approved for an access permit by the City Manager in accordance with Section 8-7-80 of the Access Code based on the City Manager’s determination that the following criteria have been met:

- (1) The application and all supporting documentation (including, as applicable, all application materials waived by the City Manager) are in conformance with the requirements of Article VII of Chapter 8 of the Municipal Code;
- (2) The proposed access will not adversely affect the Parkway or impede traffic flow or present a safety hazard to other users of the Parkway; and
- (3) The proposed access will serve the best interests of the City in promoting the health, safety, and welfare of its residents.

Section 8-7-90 of the Access Code states that no access to the Parkway shall be permitted unless there is full compliance with the Access Code and approval is granted in writing by the City Manager through issuance of an access permit in consultation with the Central City Business Improvement District (“CCBID”) and upon ratification by City Council.

The primary purpose of this resolution is to ratify the City Manager's conditional approval of the access permit so that the City may proceed with construction surveying and commence with the City Project on the following tentative schedule:

- By end of April complete surveying work
- By beginning of May commence with dirt work
- By mid to late May commence with paving operations
- By late May/early June complete all traffic signage including placement of the "DO NOT ENTER", stop signs and other directional signage specifically referenced in the Plans
- Installation of all guardrails and associated tie-ins by July, 2016.

Alderman Voorhies moved to approve Resolution No. 16-13: A resolution of the City Council of the City of Central, Colorado, waiving certain application requirements for the City's 2016 Access Project and conditionally approving an Access Permit for the project. Alderman Laratta seconded, and without discussion, the motion carried unanimously.

Municipal Clerk's Week Proclamation

Mayor Engels presented the Proclamation acknowledging Municipal Clerk's Week May 1-7, 2016 to City Clerk Bechtel.

REPORTS

City Manager Miera noted the City Clean-up Day details. Mayor *pro tem* Heider asked about having a clean up where the residents can have the larger items picked up at their homes. Manager Miera explained that there is a cost to provide that service and Council already authorized an increase from that line item of \$15,000 to cover recycling in 2016 as well as the limited staff we have available but staff will put together the costs to provide that clean up service and bring the information forward at a future meeting for Council to consider.

Alderman Aiken asked about the snow removal priority. Manager Miera said there is a plan designating some streets as Priority 1 and those roads were cleared very well.

Mayor Engels congratulated Manager Miera on his acceptance to the Harvard University Kennedy School Executive Education Program – *Senior Executives in State and Local Government* – Cambridge, MA (June 6 – June 24, 2016).

COUNCIL COMMENTS

Alderman Laratta thanked Public Works for doing a great job on the streets which are very clean and the snow removal in our recent storm was done very well.

PUBLICFORUM/AUDIENCEPARTICIPATION

Barbara Thielemann, 101 H Street, thanked Public Works for the new wayfinding signs and their hard work in this last snow storm.

Mary Perry, resident at Gold Mountain Village Apartments, expressed her concern for the changes to the Police Department and the length of response time we may receive from the Sheriff's Department as well as the amount of patrol time in the neighborhoods and casinos. Mayor Engels explained that we all want a higher level of service with combined services utilizing the Sheriff Department and our City Police Department.

At 7:55 p.m., Mayor Engels adjourned the meeting.
The next Council meeting is scheduled for May 3, 2016 at 7:00 p.m.

Ronald E. Engels, Mayor

Reba Bechtel, City Clerk



AGENDA ITEM # 7

CITY COUNCIL COMMUNICATION FORM

FROM: Marcus McAskin, City Attorney

DATE: April 28, 2016

ITEM: Ordinance 16-01 Approving Amendments to Articles IV and V of Chapter 8 of the Municipal Code

ORDINANCE
 MOTION
 INFORMATION

I. **REQUEST OR ISSUE:** Ordinance No. 16-01 approves certain amendments to Article IV and Article V of Chapter 8 of the Municipal Code.

II. **RECOMMENDED ACTION / NEXT STEP:** Approve Ordinance No. 16-01 on second reading following public hearing.

First reading of the Ordinance occurred on Tuesday, April 19, 2016.

III. **FISCAL IMPACTS:** Approval of the Ordinance is not expected to have any significant fiscal impact on the City.

IV. **BACKGROUND INFORMATION:**

The Ordinance was discussed at the April 19th work session and was passed on first reading on April 19, 2016. As discussed at the work session, the City has experienced an increase in commercial vehicle and bus parking in residential districts of the City, as well as in other portions of the City. City Staff desires to restrict bus loading and unloading to the three specific shuttle stops currently designated within the City boundaries, and adopt regulations aimed at minimizing or eliminating other externalities associated with the unlawful parking or operation of commercial vehicles within the City.

The proposed Ordinance makes modifications to existing provisions of Article IV and Article V of Chapter 8 of the Municipal Code, regulating vehicle and traffic. A legislative

redline version of the proposed changes to the Code is attached to this Council Communication Form as ATTACHMENT A and is incorporated herein.

By way of example and not limitation the proposed Code revisions proposed by the Ordinance modify Sections 8-4-20 and Section 8-4-30 of the Code to permit the City Council to authorize the City Manager to post traffic control or other appropriate signs in accordance with Chapter 8 of the Code in order to take all necessary and proper steps to restrict vehicular traffic on certain public streets, highways or any other roadways located within the City when merited by conditions that Council finds to exist following review at a public meeting. Such traffic restriction may be accomplished by gating devices, barricades and other traffic control devices, as appropriate, to control access onto and off of such public streets, highways or any other roadways located within the City. As set forth in the proposed revisions, no such traffic restrictions shall be imposed which leave any parcel of land without an established public road or private-access easement connecting said parcel of land with another established public road.

- V. **LEGAL ISSUES:** None. C.R.S. § 42-4-110(1) authorizes the City to regulate and enforce all traffic and parking restrictions on roads and streets within the City's jurisdiction. Additionally, state law recognizes the necessity for supplemental municipal traffic regulations and the City is specifically authorized to implement additional traffic controls. The regulation of traffic and parking restrictions on local City streets is a matter of local and municipal concern and the City is authorized to regulate the same as a Colorado home rule municipality.
- VI. **CONFLICTS OR ENVIRONMENTAL ISSUES:** N/A
- VII. **SUMMARY AND ALTERNATIVES:** City Council has the following options:
- (1) Adopt Ordinance No. 16-01 on second reading;
 - (2) Direct staff to make revisions to the Ordinance and continue the public hearing to a date and time certain; or
 - (3) Reject or deny the Ordinance.

RECOMMENDED MOTION: "I MOVE TO APPROVE ORDINANCE NO. 16-01, AN ORDINANCE OF THE CITY OF CENTRAL, COLORADO, AMENDING CERTAIN PROVISIONS OF ARTICLE IV (TRAFFIC REGULATIONS) AND ARTICLE V (MISCELLANEOUS REGULATIONS) OF CHAPTER 8 OF THE CITY OF CENTRAL MUNICIPAL CODE ON SECOND READING."

Attachments:

- Ordinance 16-01 (for second reading)
- ATTACHMENT A – legislative version of proposed modifications to selected provisions of Article IV and Article V of Chapter 8 of the Municipal Code

CITY OF CENTRAL, COLORADO

ORDINANCE 16-01

**AN ORDINANCE AMENDING CERTAIN PROVISIONS OF ARTICLE
IV (TRAFFIC REGULATIONS) AND ARTICLE V (MISCELLANEOUS
REGULATIONS) OF CHAPTER 8 OF THE CITY OF CENTRAL
MUNICIPAL CODE**

WHEREAS, the City of Central, Colorado is a home rule municipal corporation authorized to adopt ordinances in furtherance of the public health, safety and welfare; and

WHEREAS, as authorized by C.R.S. § 42-4-110(1), the City may regulate and enforce all traffic and parking restrictions on roads and streets within the City's jurisdiction; and

WHEREAS, state law recognizes the necessity for supplemental municipal traffic regulations and the City is specifically authorized to implement additional traffic controls; and

WHEREAS, regulation of traffic and parking restrictions on local City streets is a matter of local and municipal concern; and

WHEREAS, the City Council desires to amend certain provision of Articles 4 and 5 of Chapter 8 in order to promote the public health, safety and welfare.

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

Section 1. Section 8-4-20 of the Municipal Code is hereby repealed and replaced in its entirety, to read in full as follows:

Sec. 8-4-20. Hazards mitigation.

(a) The City Council, after consultation with a traffic engineer, through review of an appropriate traffic study, or based on environmental reports or similar investigations or studies presented to City Council at a public meeting, may determine that vehicular access to certain roadways within the City could:

- (1) Cause hazardous traffic conditions;
- (2) Cause hazardous environmental conditions;
- (3) Cause auto emissions, noise and potential damage to historic buildings and structures;
- (4) Endanger the public health, safety or welfare of City residents and visitors; or
- (5) Endanger pedestrians.

- (b) For purposes of this Section, the term “roadways” shall include any platted or designated public street, alley, lane, parkway, avenue, road or other public way, whether or not it has been used as such.

Section 2. Section 8-4-30 of the Municipal Code is hereby repealed and replaced in its entirety, to read in full as follows:

Sec. 8-4-30. Posting of signs.

Upon any such determination made in accordance with Sec. 8-4-20(a), the City Council may authorize the City Manager to post traffic control or other appropriate signs in accordance with this Chapter and otherwise take all necessary and proper steps to restrict vehicular traffic on certain public streets, highways or any other roadways located within the City and as that term is defined in Sec. 8-4-20(b) above. Such traffic restriction may be accomplished by gating devices, barricades and other traffic control devices, as appropriate, to control access onto and off of such public streets, highways or any other roadways located within the City, provided that no such traffic restrictions shall be imposed which leave any parcel of land without an established public road or private-access easement connecting said parcel of land with another established public road.

Section 3. Section 8-4-40 of the Municipal Code is hereby repealed and replaced in its entirety, to read in full as follows:

Sec. 8-4-40. Shuttles and loading and unloading of buses.

- (a) All shuttle operations may access such designated streets only as determined by the City Council, shall stop only at designated shuttle stops, shall circulate through such designated streets and alleys as determined by the City Council and shall otherwise operate pursuant to a traffic plan approved by the City Council.
- (b) All buses, as that term is defined in Sec. 8-5-60, serving limited stakes gaming operations, regardless of whether the buses transport persons for compensation or not, shall be prohibited from loading and unloading passengers or persons at any locations other than the designated shuttle stops authorized in subsection (a) above, and which may be amended from time to time by the City. A list of the designated shuttle stops shall be maintained at the City Clerk’s office and shall be open for public inspection.

Section 4. Section 8-5-60 of the Municipal Code is hereby repealed and replaced in its entirety, to read in full as follows:

Sec. 8-5-60. Bus and commercial vehicle parking restrictions.

- (a) Definitions. For purposes of this Section, unless the context otherwise requires:

Bus means any vehicle designed to seat more than ten (10) passengers and used for the transportation of persons, either for compensation or not, including but not limited to motor vehicles operated for profit or not for profit by governmental entities and vehicles use for the transportation of children to and from school.

Construction equipment means any vehicle, whether self-propelled or not, designed for the use in the construction, maintenance, or repair of roadways, structures, and ditches, or modified for use in the construction, maintenance, or repair of roadways, structures, and ditches, the use of which on public roadways is incidental to its primary use.

Residential district means any area zoned RCE, LDR, MDR, HDR, TSL, and LCC under the City's Zoning Ordinance, or designated as a residential area in any Planned Unit Development, along with all land within three hundred feet (300') of such area.

Semi-tractor means a vehicle with a manufacturer's gross combination weight rating (GCWR) in excess of 26,001 pounds, which is designed and commonly used to draw a semi-trailer and its cargo load over the public roadways.

Truck means a vehicle with a manufacturer's gross vehicle weight rating (GVWR) over 11,000 pounds, equipped with a body designed to carry cargo or special permanently mounted equipment.

- (b) It shall be unlawful for any person to park a bus on or along any public streets within the City, except in accordance with Sec. 8-4-40(b) of this Code.
- (c) The following restrictions shall apply to the parking of vehicles on public streets within the City of Central:
- (1) It shall be unlawful to park any vehicle which is thirty-five feet (35') in length or more on any public street or highway within any residential district of the City; except as provided in subsection (2) below.
 - (2) It shall be unlawful to park truck semi-tractors, trucks, buses and construction equipment on any public street or highway within any residential district of the City; provided, however, that parking next to a construction site for which a valid permit exists shall be allowed for the limited purpose of loading and unloading materials.

- (3) It shall be unlawful to park any vehicle which is required to be licensed by Colorado Statute upon any street or highway within the City unless a valid license is properly displayed on the vehicle.
- (d) The following restrictions shall apply to the parking of vehicles on private property within the City:
 - (1) It shall be unlawful to park any vehicle which is thirty-five feet (35') or more in length on any private street within any residential district of the City, or upon any lot within any residential district within the City, except for the limited purpose of loading and unloading materials.
 - (2) It shall be unlawful to park truck trailers, semi-tractors, trucks, buses and construction equipment on any private street in a residential district, on any driveway in a residential district, on a vacant lot in a residential district or in a front yard or side yard; provided, however, that parking on a construction site for which a valid building permit exists is allowed for the limited purpose of loading and unloading materials.
 - (3) Churches located in a residential district may park one bus on the church parking lot. Said bus is to be locked when not in use. Additional buses owned by such church shall not be parked or stored on the church parking lot, but shall be parked or stored at a location having appropriate zoning to permit such use.
 - (e) For purposes of this Section, "loading and unloading of materials" shall refer to construction materials or the rendering of any other service(s) within a maximum distance of two hundred (200) feet of the commercial vehicle, and such loading and/or unloading or rendering of service locally shall not exceed eight (8) hours between the hours of 8:00 am and 7:00 pm, or two (2) hours between the hours of 7:00 pm and 8:00 am. No loading and/or unloading of a semi-tractor, truck or semi-trailer during permissible hours is allowed to extend over more than two consecutive calendar days.
 - (f) Any person who fails to comply with any provision of this Section shall be guilty of a violation of this Code and, on conviction thereof, shall be punished by a fine as specified in Sec. 1-4-20 of this Code.
 - (g) The parking of any vehicle in violation of this Section is declared to be a public nuisance which may be abated in accordance with the provisions of Article I of Chapter 7 of this Code.

Section 5. There is hereby added a new Section 8-5-90 of the Municipal Code to read in full as follows:

Sec. 8-5-90. Regulation of Commercial Vehicles.

- (a) No person of motor carrier shall operate a commercial vehicle on any street within the City unless such vehicle is in compliance with C.R.S. § 42-4-235, as amended, and the rules and regulations promulgated thereunder.
- (b) This Section may be enforced by any law enforcement officer who meets the inspector qualifications set forth in C.R.S. § 42-4-235, as amended, and the rules and regulations promulgated thereunder.
- (c) It shall be unlawful for any person to operate a motor vehicle in violation of subsection (a) of this Section.
- (d) Any person who fails to comply with any provision of this Section shall be guilty of a violation of this Code and, on conviction thereof, shall be punished by a fine as specified in Sec. 1-4-20 of this Code.

Section 6. **Safety Clause.** The City Council hereby finds, determines, and declares that this Ordinance is promulgated under the general police power of the City of Central, that it is promulgated for the health, safety, and welfare of the public, and that this Ordinance is necessary for the preservation of health and safety and for the protection of public convenience and welfare. The City Council further determines that the Ordinance bears a rational relation to the proper legislative object sought to be attained.

Section 7. **Codification Amendments.** The codifier of the City's Municipal Code, Municode, is hereby authorized to make such numerical and formatting changes as may be necessary to incorporate the provisions of Section 1 through Section 5 of this Ordinance within the City of Central Municipal Code.

Section 8. **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 9. **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 10. **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 19th day of April, at Central City, Colorado.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, 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 3rd day of May, 2016.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel, City Clerk

POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY in the Weekly Register Call newspaper on April 21, 2016.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on May 5, 2016.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel City Clerk

Sec. 8-4-20. Hazards mitigation.

(a) The City Council, after consultation with a traffic engineer ~~or~~, through review of an appropriate traffic study, or based on environmental reports or similar investigations or studies presented to City Council at a public meeting, may determine that vehicular access to certain ~~designated and periodically redesignated streets and alleys~~roadways within the City could:

(1) ~~(1)~~ — Cause hazardous traffic conditions;

~~(2)~~ ~~(2)~~ — Cause hazardous environmental conditions;

~~(2)~~~~(3)~~ — Cause auto emissions, noise and potential damage to historic buildings and structures; ~~or~~

~~(4)~~ ~~(3)~~ — Endanger the public health, safety or welfare of City residents and visitors; or

~~(3)~~~~(5)~~ — Endanger pedestrians.

(b) For purposes of this Section, the term “roadways” shall include any platted or designated public street, alley, lane, parkway, avenue, road or other public way, whether or not it has been used as such.

Sec. 8-4-30. Posting of signs.

Upon any such determination, made in accordance with Sec. 8-4-20(a), the City Council may ~~authorized~~authorize the City Manager to post traffic control or other appropriate signs pursuant to in accordance with this ArticleChapter and otherwise take all necessary and proper steps to restrict vehicular traffic on certain ~~designated public streets and alleys, highways or any other roadways located~~ within the City and as that term is defined in Sec. 8-4-20(b) above. Such traffic restriction may be accomplished by gating devices, barricades and other traffic control devices, as appropriate, to control access onto and off of such ~~designated streets and alleys, public streets, highways or any other roadways located within the City, provided that no such traffic restrictions shall be imposed which leave any parcel of land without an established public road or private-access easement connecting said parcel of land with another established public road.~~

Sec. 8-4-40. Shuttles and loading and unloading of buses.

(a) All shuttle operations may access such designated streets only as determined by the City Council, shall stop only at designated shuttle stops, shall circulate through such designated streets and alleys as determined by the City Council and shall otherwise operate pursuant to a traffic plan approved by the City Council.

(b) All buses, as that term is defined in Sec. 8-5-60, serving limited stakes gaming operations, regardless of whether the buses transport persons for compensation or not, shall be prohibited from loading and unloading passengers or persons at any locations other than the designated shuttle stops authorized in subsection (a) above, and which may be amended from time to time by the City. A list of the designated shuttle stops shall be maintained at the City Clerk’s office and shall be open for public inspection.

~~(b) Sec. 8-5-60. — Bus parking.~~

Sec. 8-5-60. Bus and commercial vehicle parking restrictions.

(a) Definitions. For purposes of this Section, unless the context otherwise requires:

Bus means any vehicle designed to seat more than ten (10) passengers and used for the transportation of persons, either for compensation or not, including but not limited to motor vehicles operated for profit or not for profit by governmental entities and vehicles use for the transportation of children to and from school.

Construction equipment means any vehicle, whether self-propelled or not, designed for the use in the construction, maintenance, or repair of roadways, structures, and ditches, or modified for use in the construction, maintenance, or repair of roadways, structures, and ditches, the use of which on public roadways is incidental to its primary use.

Residential district means any area zoned RCE, LDR, MDR, HDR, TSL, and LCC under the City's Zoning Ordinance, or designated as a residential area in any Planned Unit Development, along with all land within three hundred feet (300') of such area.

Semi-tractor means a vehicle with a manufacturer's gross combination weight rating (GCWR) in excess of 26,001 pounds, which is designed and commonly used to draw a semi-trailer and its cargo load over the public roadways.

Truck means a vehicle with a manufacturer's gross vehicle weight rating (GVWR) over 11,000 pounds, equipped with a body designed to carry cargo or special permanently mounted equipment.

~~(a)(b) It is shall be unlawful for any person to park a bus on the following or along any public streets within the City, except in accordance with Sec. 8-4-40(b) of this Code.~~

~~(1) Lawrence Street.~~

(c) The following restrictions shall apply to the parking of vehicles on public streets within the City of Central:

(1) It shall be unlawful to park any vehicle which is thirty-five feet (35') in length or more on any public street or highway within any residential district of the City; except as provided in subsection (2) below.

(2) It shall be unlawful to park truck semi-tractors, trucks, buses and construction equipment on any public street or highway within any residential district of the City; provided, however, that parking next to a construction site for which a valid permit exists shall be allowed for the limited purpose of loading and unloading materials.

(3) It shall be unlawful to park any vehicle which is required to be licensed by Colorado Statute upon any street or highway within the City unless a valid license is properly displayed on the vehicle.

(d) The following restrictions shall apply to the parking of vehicles on private property within the City:

(1) It shall be unlawful to park any vehicle which is thirty-five feet (35') or more in length on any private street within any residential district of the City, or upon any lot within any residential district within the City, except for the limited purpose of loading and unloading materials.

(2) It shall be unlawful to park truck trailers, semi-tractors, trucks, buses and construction equipment on any private street in a residential district, on any driveway in a residential district, on a vacant lot in a residential district or in a front yard or side yard; provided, however, that parking on a construction site for which a valid building permit exists is allowed for the limited purpose of loading and unloading materials.

(3) Churches located in a residential district may park one bus on the church parking lot. Said bus is to be locked when not in use. Additional buses owned by such church shall not be parked or stored on the church parking lot, but shall be parked or stored at a location having appropriate zoning to permit such use.

(e) For purposes of this Section, "loading and unloading of materials" shall refer to construction materials or the rendering of any other service(s) within a maximum distance of two hundred (200) feet of the commercial vehicle, and such loading and/or unloading or rendering of service locally shall not exceed eight (8) hours between the hours of 8:00 am and 7:00 pm, or two (2) hours between the hours of 7:00 pm and 8:00 am. No loading and/or unloading of a semi-tractor, truck or semi-trailer during permissible hours is allowed to extend over more than two consecutive calendar days

(f) Any person who fails to comply with any provision of this Section shall be guilty of a violation of this Code and, on conviction thereof, shall be punished by a fine as specified in Sec. 1-4-20 of this Code.

(g) The parking of any vehicle in violation of this Section is declared to be a public nuisance which may be abated in accordance with the provisions of Article I of Chapter 7 of this Code.

Sec. 8-5-90. Regulation of Commercial Vehicles.

(a) No person of motor carrier shall operate a commercial vehicle on any street within the City unless such vehicle is in compliance with C.R.S. § 42-4-235, as amended, and the rules and regulations promulgated thereunder.

(b) This Section may be enforced by any law enforcement officer who meets the inspector qualifications set forth in C.R.S. § 42-4-235, as amended, and the rules and regulations promulgated thereunder.

(c) It shall be unlawful for any person to operate a motor vehicle in violation of subsection (a) of this Section.

(d) Any person who fails to comply with any provision of this Section shall be guilty of a violation of this Code and, on conviction thereof, shall be punished by a fine as specified in Sec. 1-4-20 of this Code.

Central City Business Improvement District

April 14, 2016

City of Central
Attn: Daniel Miera, City Manager
141 Nevada Street
Central City, CO 80427

Re: Central City Parkway Access Project

Dear Mr. Miera,

Based on recent discussions between the City of Central ("City") and the Central City Business Improvement District ("District"), we understand the City desires to permit and construct access ramps, both on and off of the Central City Parkway ("Casino Parkway"), on City-owned property near the overpass bridge (Road 279 – Virginia Canyon Rd.) and Lake Gulch Rd. (near the KOA Campground), otherwise collectively known as the Central City Parkway Access Project ("Project").

The District fully supports and approves of the Project, and believes it conforms with the intent and purpose of the relevant Agreement(s) executed by and between the City and the District. However, in order to fully conform with all provisions of the same Agreement(s), the District believes the City must also take action to ensure that any and all commercial property in the vicinity of the Project (i.e. the KOA Campground) not previously included within the District, but located within the boundaries of the City, is included into the District and subject to all applicable taxes and fees.

Furthermore, in an effort to expedite the construction of the Project, and as allowed by the Central City Municipal Code (specifically, the "Parkway Access Code"), the District encourages the City to waive all application requirements thereunder, which are otherwise (and ordinarily) necessary for external applicants seeking an Access Permit from the City.

Should you have questions or require assistance, please do not hesitate to contact me. Thank you.

Sincerely,

Joe Behm
Executive Director

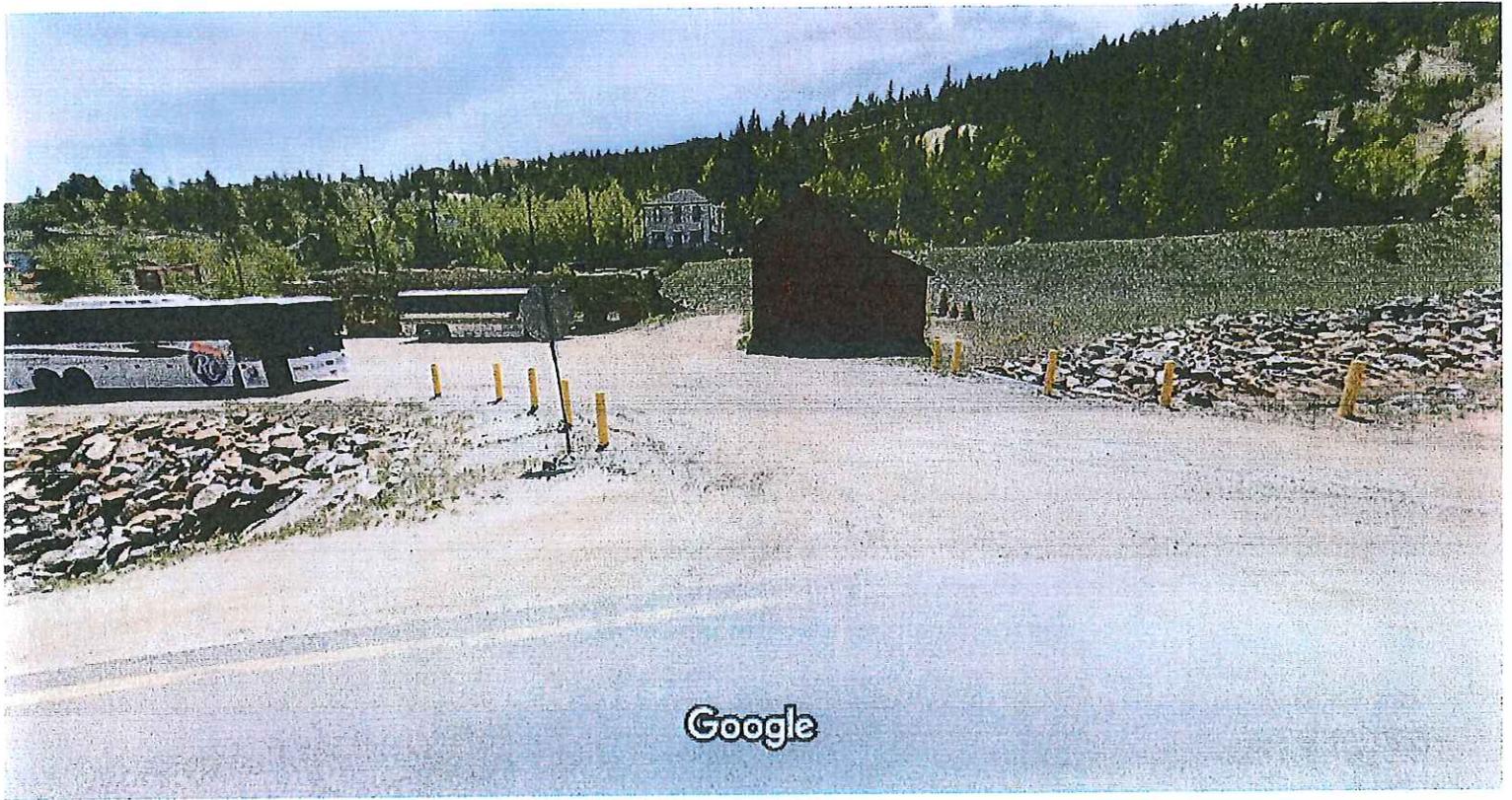
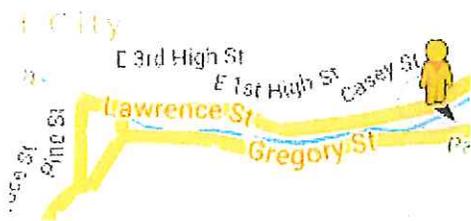


Image capture: Jun 2015 © 2016 Google

Central City, Colorado

Street View - Jun 2015



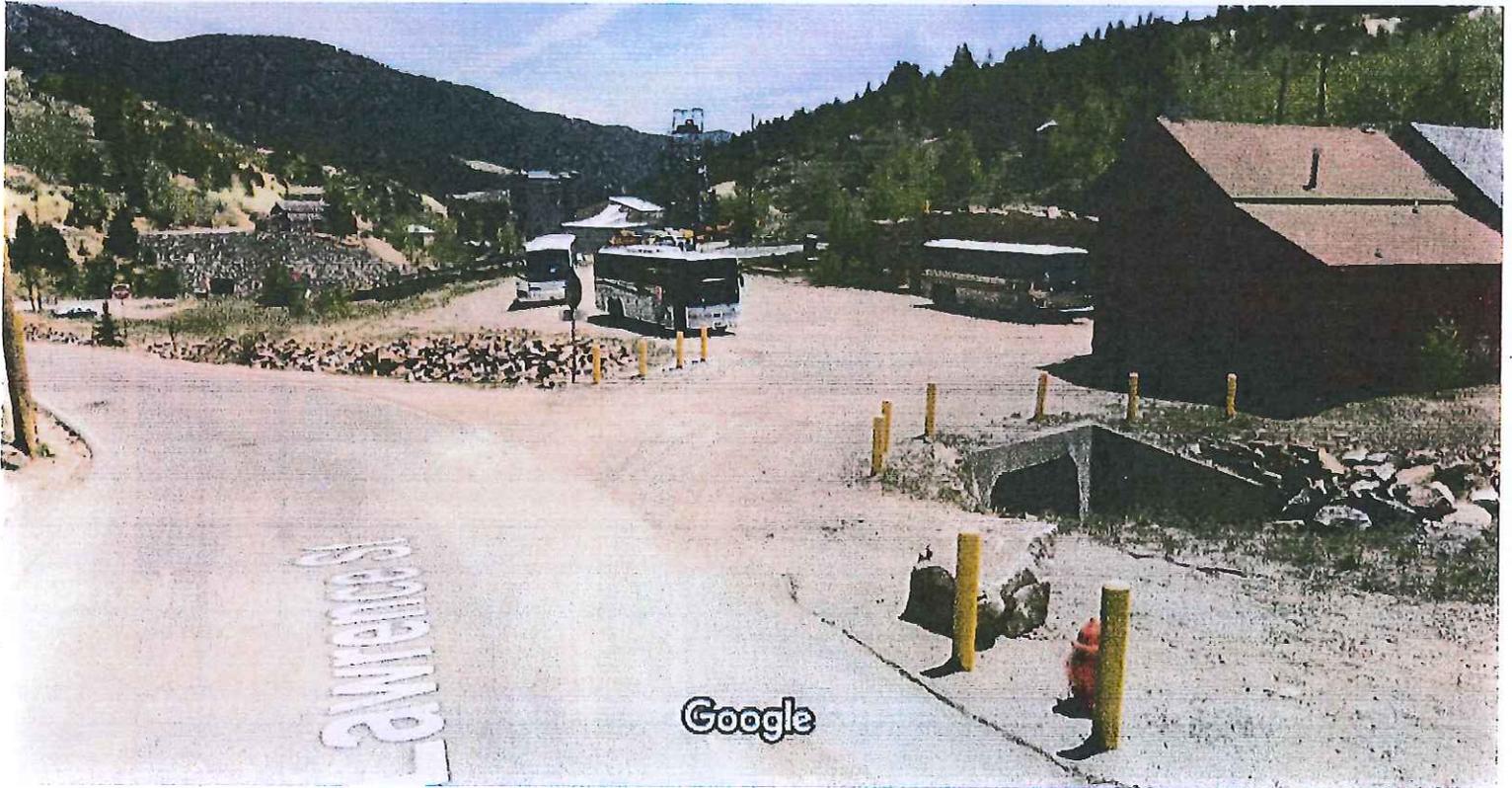
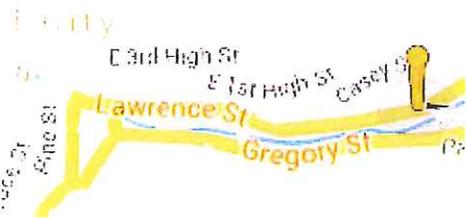


Image capture: Jun 2015 © 2016 Google

Central City, Colorado

Street View - Jun 2015



Google Maps

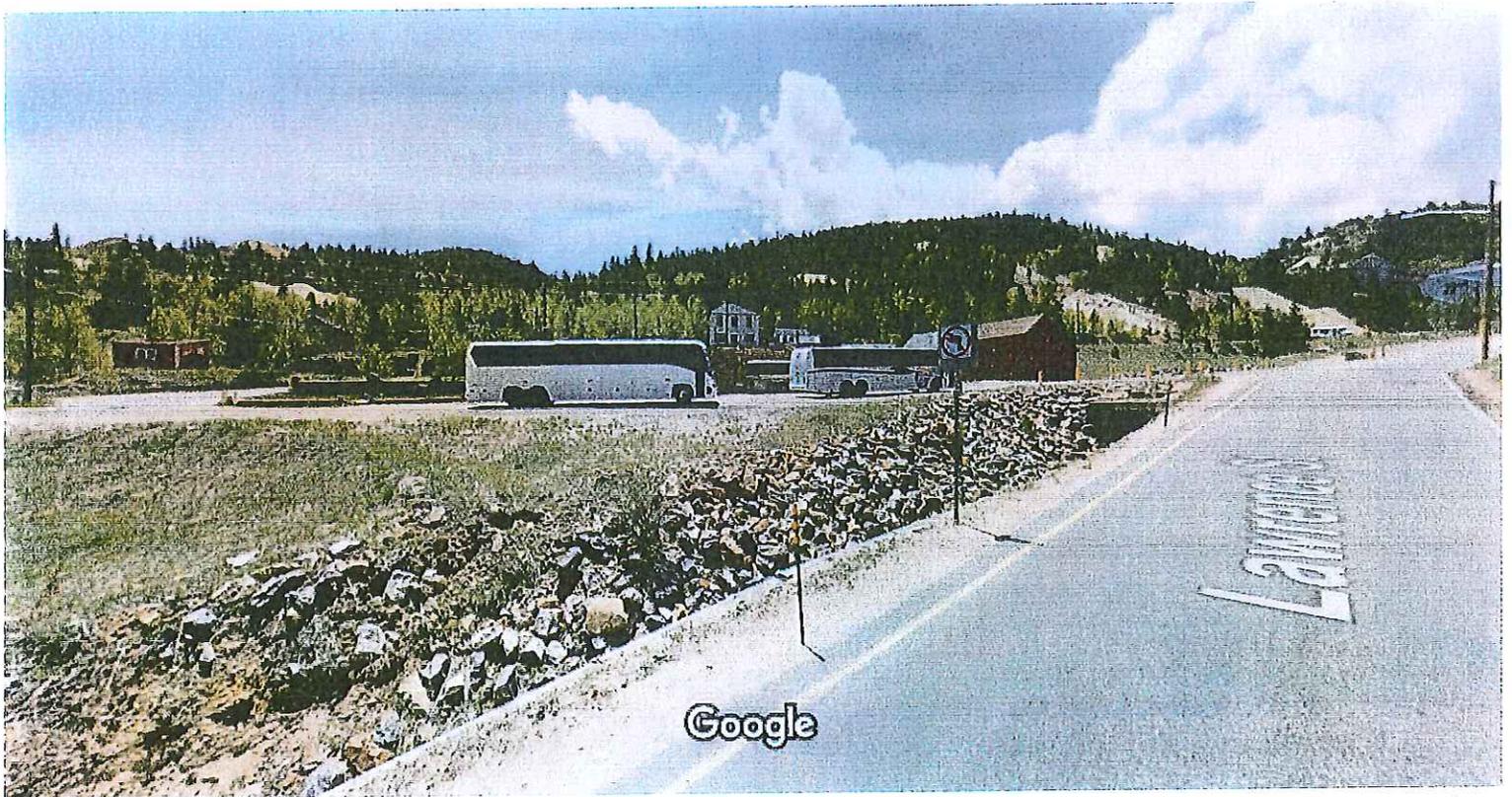
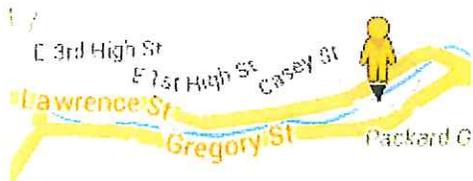


Image capture: Jun 2015 © 2016 Google

Central City, Colorado

Street View - Jun 2015



Google Maps

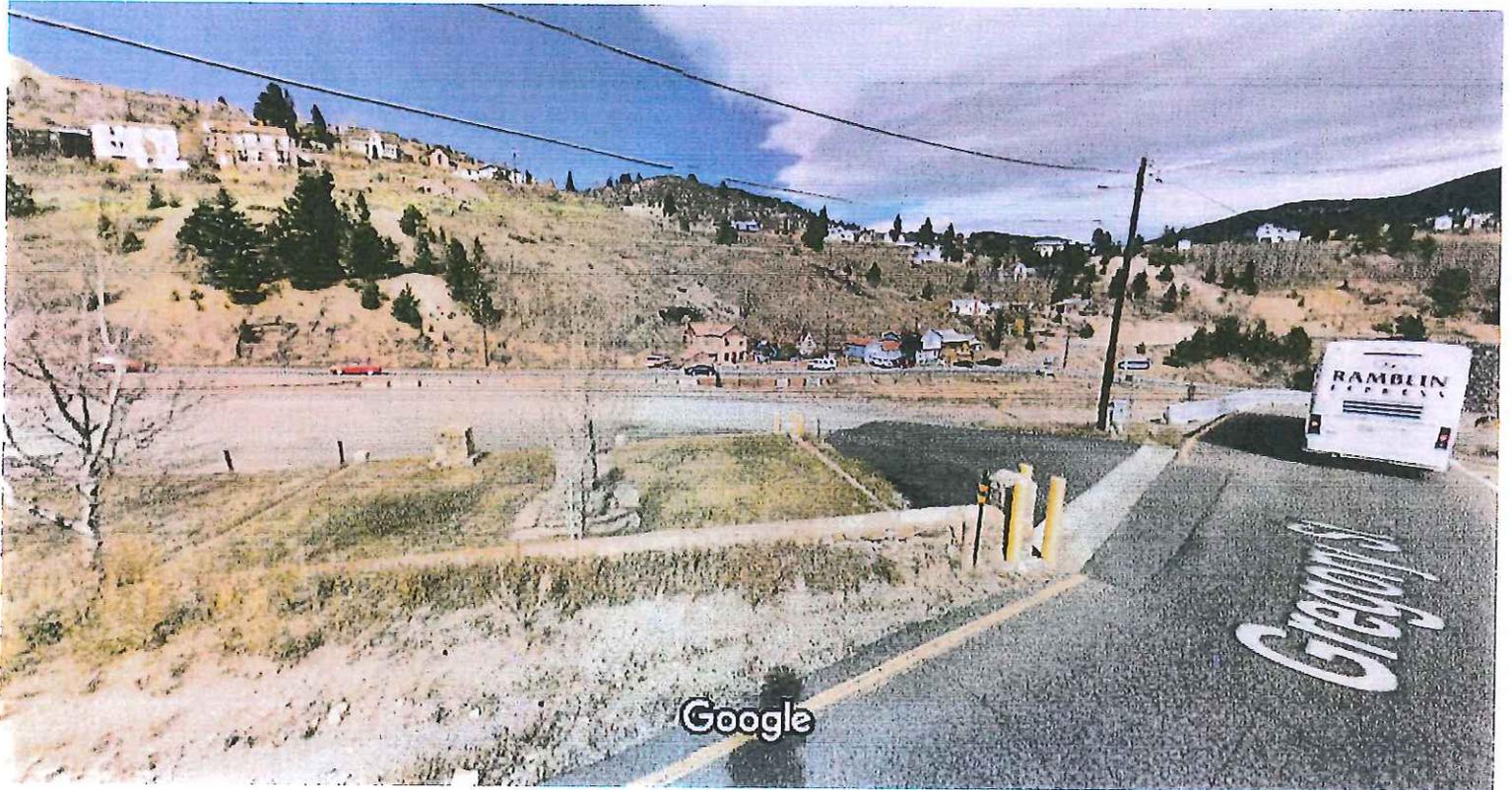


Image capture: Oct 2012 © 2016 Google

Central City, Colorado

Street View - Oct 2012



Google Maps

Gregory St

Levitt St. (Gregory St. in foreground on left side / Lawrence St. in background on right side)

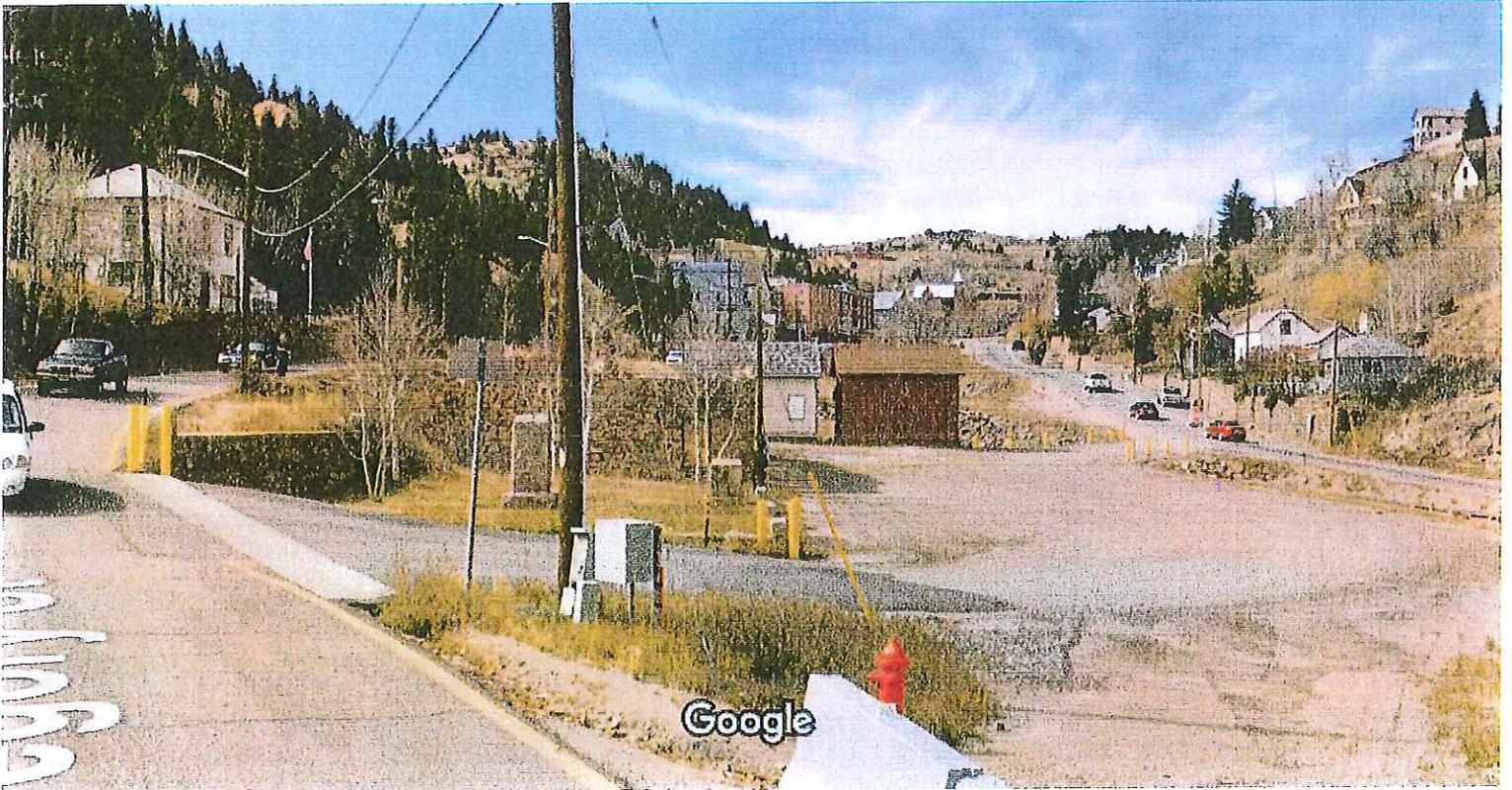


Image capture: Oct 2012 © 2016 Google

Central City, Colorado

Street View - Oct 2012



Google Maps

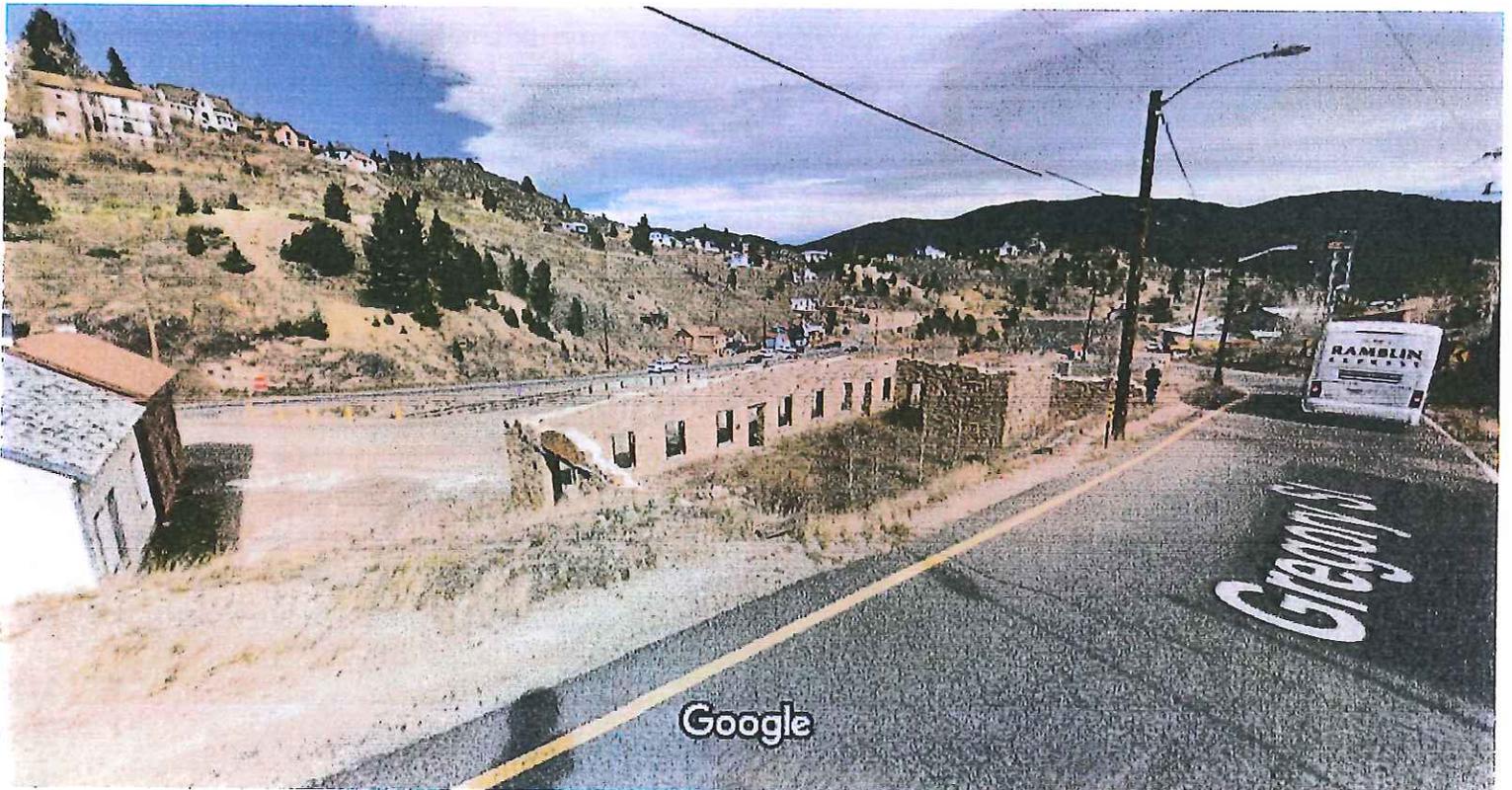
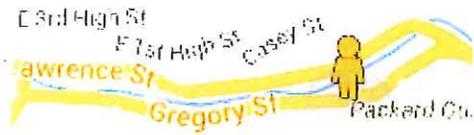


Image capture: Oct 2012 © 2016 Google

Central City, Colorado

Street View - Oct 2012



Google Maps



AGENDA ITEM # 8

CITY COUNCIL COMMUNICATION FORM

FROM: Marcus McAskin, City Attorney

DATE: April 28, 2016

ITEM: Ordinance 16-02 Submitting a Ballot Issue at the November 8, 2016 Election Regarding the Imposition of a Tax of Five Percent (5%) on All Retail Marijuana and Retail Marijuana Products, which is expected to increase the City's Revenues by Approximately \$130,000 in 2017 (the first full fiscal year)

ORDINANCE
 MOTION
 INFORMATION

- I. **REQUEST OR ISSUE:** Ordinance No. 16-02 refers a ballot issue to City voters at the November 8, 2016 election regarding the approval of a five percent (5%) sales tax on retail marijuana and retail marijuana products, and proposes a new Article XI of Chapter 4 of the Municipal Code titled "Special Retail Marijuana Sales Tax" which will only take effect if approved by the City electorate at the November 8th election.

The Ordinance was discussed at the April 19, 2016 work session and was approved on first reading at the April 19, 2016 regular City Council meeting.

At the work session, members of City Council requested a memorandum summarizing the Fair Campaign Practices Act (FCPA). The FCPA guidance memorandum has been circulated to City Council under separate cover.

- II. **RECOMMENDED ACTION / NEXT STEP:** Approve Ordinance No. 16-02 on second reading following public hearing.
- III. **FISCAL IMPACTS:** Approval of the Ordinance by City Council will not have any fiscal impact on the City. If the referred ballot issue is approved by voters at the November 8, 2016 election, the new five percent (5%) sales tax is expected to generate revenues not to

exceed \$130,000.00 in the first full fiscal year (being January 1 through December 31, 2017).

- IV. BACKGROUND INFORMATION:** November 8th is the date of the next general municipal election which will be held in accordance with Article IV of the City's Home Rule Charter. Section 20 of Article X of the Colorado Constitution ("TABOR") requires voter approval of any tax increase or change in tax policy.

In addition, Section 13.1 of the City's Home Rule Charter, and consistent with the provisions of TABOR, authorizes the City Council to level and collect taxes for any and all municipal purposes, provided that no sales tax shall be levied until such tax is approved by a majority of the electors voting at a regular or special election.

City Council desires to refer a ballot issue to the electors of the City without a petition which will impose a tax in the amount of five percent (5%) of the purchase price paid or charged for retail marijuana and retail marijuana products, as those terms are defined in state law and in the Municipal Code, and which sales tax shall be in addition to the sales tax and any other state tax imposed on sales of retail marijuana and retail marijuana products.

- V. LEGAL ISSUES:** Once the ballot issue has been referred to the voters by adoption of Ordinance No. 16-02, the restrictions of the FCPA will be applicable. Please refer to the FCPA guidance memorandum and contact the City Attorney directly if there are any specific questions.

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

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

- (1) Adopt Ordinance No. 16-02 on second reading;
- (2) Direct staff to make revisions to the Ordinance and continue the public hearing to a date and time certain; or
- (3) Reject or deny the Ordinance.

RECOMMENDED MOTION: "I MOVE TO APPROVE ORDINANCE NO. 16-02, AN ORDINANCE OF THE CITY OF CENTRAL, COLORADO, SUBMITTING A BALLOT ISSUE AT THE NOVEMBER 8, 2016 ELECTION REGARDING IMPOSING A TAX OF FIVE PERCENT (5%) ON ALL RETAIL SALES OF MARIJUANA AND RETAIL MARIJUANA PRODUCTS, WHICH IS EXPECTED TO INCREASE THE CITY'S REVENUES BY APPROXIMATELY \$130,000 IN 2017 (THE FIRST FULL FISCAL YEAR) ON SECOND READING."

Attachments:

- Ordinance 16-02 (for second reading)

**CITY OF CENTRAL, COLORADO
ORDINANCE 16-02**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
CENTRAL, COLORADO SUBMITTING A BALLOT ISSUE AT THE
NOVEMBER 8, 2016 ELECTION REGARDING IMPOSING A TAX OF
FIVE PERCENT (5%) ON ALL RETAIL SALES OF MARIJUANA AND
RETAIL MARIJUANA PRODUCTS, WHICH IS EXPECTED TO
INCREASE THE CITY'S REVENUES BY APPROXIMATELY \$130,000
IN 2017 (THE FIRST FULL FISCAL YEAR)**

WHEREAS, November 8, 2016 is the date of the next general municipal election which shall be held in accordance with Article IV of the City's Home Rule Charter; and

WHEREAS, Section 20 of Article X of the Colorado Constitution requires voter approval of any tax increase or change in tax policy; and

WHEREAS, Section 13.1 of the Home Rule Charter authorizes the City Council to level and collect taxes for any and all municipal purposes, provided that no sales tax shall be levied until such tax is approved by a majority of the electors voting at a regular or special election; and

WHEREAS, City Council desires to refer a ballot issue to the electors of the City without a petition which will impose a tax in the amount of five percent (5%) of the purchase price paid or charged for retail marijuana and retail marijuana products, as those terms are defined in state law and in the Municipal Code which is in addition to the sales tax and any other state tax imposed on sales of retail marijuana and retail marijuana products.

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

Section 1. Addition of Article XI of Chapter 4 of the Municipal Code. A new Article XI of Chapter 4 is hereby adopted to read in full as follows:

CHAPTER 4

Revenue and Finance

| | |
|-------------------|---|
| Article XI | Special Retail Marijuana Sales Tax |
| | Sec. 4-11-10 Definitions |
| | Sec. 4-11-20 Imposition of Tax |
| | Sec. 4-11-30 Revenue and Spending Limitations |

Sec. 4-11-10. Definitions.

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

Amendment 64 means a voter-initiated amendment to the Colorado Constitution adopted November 6, 2012, codified at Section 16 of Article XVIII to the Colorado Constitution.

Consumer means a person twenty-one (21) years of age or older who purchases retail marijuana or retail marijuana products for personal use by person(s) twenty-one (21) years of age or older but not for resale to others.

Retail marijuana shall have the same meaning as “marijuana” or “marihuana” as defined in Amendment 64, that is cultivated, manufactured, distributed, or sold by a retail marijuana establishment or retail marijuana store.

Retail marijuana products shall have the same meaning as “marijuana products” as defined in Amendment 64 that are produced at a retail marijuana products manufacturer for resale at a retail marijuana establishment or retail marijuana store.

Retail marijuana store shall mean any entity licensed by the Colorado Department of Revenue to sell retail marijuana and/or retail marijuana products to consumers pursuant to Amendment 64 and the Colorado Retail Marijuana Code, C.R.S. §§ 12-43.4-101 *et seq.*, and licensed by the Central City Retail Marijuana Store Licensing Authority in accordance with the provisions of Article 9 of Chapter 6 of the Municipal Code.

- (b) In addition to the definitions provided in Subsection (a) above, the other defined terms in Amendment 64 are incorporated into this Article by reference.

Sec. 4-11-20. Imposition of Tax.

- (a) In addition to the sales tax imposed by Article III of this Chapter 4, beginning January 1, 2017, there is imposed upon all sales of retail marijuana and retail marijuana products to a consumer by a retail marijuana store a tax at the rate of five percent (5%) of the amount of the sale.
- (b) Nothing in this section shall be construed to impose a tax on the sale of marijuana or marijuana products to any person by a medical marijuana center, as that term is defined in Section 6-7-30 of this Code. To the extent any retail marijuana store exists at the same location and under common ownership with a licensed medical marijuana center, the retailer shall strictly segregate and account for sales of retail marijuana distinct from medical marijuana in accordance with all applicable state and City laws

and regulations governing collection of retail marijuana stores and medical marijuana centers.

Sec. 4-11-30. Revenue and Spending Limitations.

Notwithstanding any limitations on revenue, spending, or appropriations contained in Article X, Section 20 of the Colorado Constitution or any other provision of law, any revenues generated by the retail marijuana sales taxes imposed pursuant to this Article, as approved by the voters at the general municipal election on November 8, 2016, may be collected and spent as a voter-approved revenue change.

Section 2. The City Council hereby authorizes and directs the City Clerk of the City to certify on or before September 9, 2016 the ballot title in substantially the form set forth below to the Gilpin County Clerk. Such ballot title shall be submitted to the eligible electors of the City at the November 8, 2016 regular election.

Section 3. This Ordinance shall not take effect unless and until a majority of the registered voters voting at the regular election on November 8, 2016 vote "yes" in response to the following ballot title:

REFERRED QUESTION _____:

SHALL CITY OF CENTRAL CITY TAXES BE INCREASED BY AN ESTIMATED \$130,000 IN 2017 (THE FIRST FULL FISCAL YEAR) AND WHATEVER AMOUNTS MAY BE COLLECTED IN FUTURE YEARS BY ADDING A NEW ARTICLE XI TO CHAPTER 4 OF THE MUNICIPAL CODE OF THE CITY OF CENTRAL CITY TO IMPOSE A TAX OF FIVE PERCENT (5%) OF THE PURCHASE PRICE PAID OR CHARGED FOR SALES OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS IN THE CITY OF CENTRAL CITY IN ADDITION TO THE SALES TAX AND ANY OTHER STATE TAX IMPOSED ON SUCH SALES OF RETAIL MARIJUANA AND RETAIL MARIJUANA PRODUCTS?

AND SHALL ALL REVENUE RECEIVED FROM SUCH TAX INCREASE AND ANY INVESTMENT INTEREST THEREON BE A VOTER APPROVED REVENUE CHANGE UNDER ARTICLE X, SECTION 20 OF THE COLORADO CONSTITUTION OR ANY OTHER LAW?

Yes
 No

Section 4. The provisions of this Ordinance shall take effect following passage and approval thereof as provided in Section 3 above on January 1, 2017.

Section 5. The officers of the City are authorized and directed to take all actions necessary or appropriate to effectuate the provisions of this Ordinance.

Section 6. Severability. If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word (collectively, "Provision") of this Ordinance is declared unconstitutional by a court of competent jurisdiction, the declaration of such unconstitutionality shall not affect any other Provision of this Ordinance. It is the intent of the City Council that: (a) severability shall apply even if severance of a Provision would result in a situation where there would be less speech, whether by subjecting previously exempt signs to permitting or otherwise; (b) severability shall apply to prohibited sign types and prohibited sign elements, such that as many prohibited sign types and sign elements as may be constitutionally prohibited shall continue to be prohibited; and (c) severability shall apply to any Provision that is found to be content-based and declared to be unconstitutional, such that only that portion of the provision that is found to relate to content shall be severed, and if it is not possible to strike only the portion of the provision that is found to relate to content, then all signs that would be subject to the stricken Provision shall instead be subject to the next surviving Provision for a sign of comparable geometry and character that is more restrictive than the stricken Provision in terms of sign area.

Section 7. 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.

INTRODUCED AND READ by title only on first reading at the regular meeting of the City Council of the City of Central on the 19th day of April, 2016, at Central City, Colorado.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, 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 3rd day of May, 2016.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel, City Clerk

POSTED IN FULL AND PUBLISHED BY TITLE AND SUMMARY in the Weekly Register Call newspaper on April 21, 2016.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on May 5, 2016.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel City Clerk

City Clerk's Office

To: Mayor Engels, City Council, and City Manager Miera

From: Reba Bechtel, City Clerk

Date: May 3, 2016

Re: Bi-weekly Report

- Prep for the Regular Council meeting of 5/3.
- Processed and issued the renewal for Tavern Liquor License for Charles Odiome Gaming dba Blu and Charlie's at 118 Main Street.
- Processed and issued the renewal for Retail Marijuana Store License for Alternative Holistic Healing LLC dba Rocky Mountain Organics at 161 Gregory Street.
- Ongoing work with the Business/Sales Tax license program in our new Caselle software.
- Misc information regarding: sign permits, special events, building permits, code questions, HP, records research, liquor, marijuana, and zoning information.

To: Daniel R. Miera, City Manager
Cc: Mayor and Council
From: Abigail R. Adame, Finance Director
Date: May 3, 2016
Re: Staff Report

➤ **Finance**

- Completed and submitted the City's report for the annual Game Tax Hearing.
- Completed the City's quarterly SUTA and 941 tax reports.
- Began preparing the 2015 Length of Service Award Earning letters for Volunteer Firefighters.
- Continued preparing the information requested in the auditors Prepared by Client List.
- Continued working with the State on the possibility of having the State collect the City's sales tax. The State would collect, bill, audit, and manage the compliance of the City's taxes without a fee to the City.

➤ **Human Resources**

- Reviewed and revised job descriptions within the Public Works and Public Utilities Departments.
- Submitted a new 401 Adoption Agreement to ICMA. No changes were made to the Agreement.

To: Central City Council
From:  Ray W. Rears, Community Development Director
Date: May 3, 2016
Re: Department Update

Community
Development
Department

Development

- 1) Colvin Tract – Parking Lot – City of Black Hawk – Fmr. Clinic site.
 - a. Reviewing submittal from Black Hawk
- 2) GIS Services – Preliminary GIS website established
- 3) Comp Plan – Contract submitted to State.
 - a. Interviews with consultant held this week.
- 4) CDBG – Resilience Planning Grant received - \$75,000 (no match).
 - a. RFP being prepared.
- 5) Enterprise Zone – initial letter of interest sent to the NW Enterprise Zone.
- 6) Sidewalk Maintenance Policy Discussed
- 7) Discussion for a shared directional sign at the 'Y' with Gilpin History and Gilpin Arts.
- 8) McShane/Doc Holiday buildings development meeting will be scheduled
- 9) Various initial development/building inquires addressed.

IT/Web/Audio Visual

- 1) Website, Facebook and Twitter internal administration continues.
- 2) Channel 20 – Streaming to Web page work in progress.
 - a. New video created which includes Central City commercials.
- 3) Interactive Events Calendar currently being added to the website.

Historic Preservation

- 1) Staff is working with Hord Coplan & Macht regarding the Belvidere Theatre as they work on Historic Structure Assessment. Awaiting Draft Final report.
- 2) Historic Preservation State tax credits promoted under economic development tab on the City website.
- 3) Belvidere was named one of Colorado's most Endangered Places this year. A gofundme.com account has been established.
- 4) Two HP cases reviewed in April and three expected in May

Code Enforcement - Active

- 1) CE 15-02 – 3rd High – Site investigation conducted - Letter sent.
- 2) CE 16-02 – Main Street – Site investigation conducted - Letter sent.
- 3) CE 16-03 – Hopper Street – Site investigation conducted – EPA visited site
- 4) CE 16-04 – 4th High – Site investigation conducted - Letter sent.
- 5) CE 16-05 – Spring Street – Report of trash/debris

- 6) CE 16-06 – Lawrence – Property Maintenance Standards/open permit
- 7) CE 16-07 – Eureka – Property Maintenance Standards
- 8) CE 16-08 – Eureka – non-permitted use
- 9) CE 16-09 – 1st – Demolition without permit

Events / Marketing

- 1) Attending Main Street meetings.
- 2) Met with organizers of Hot Rod Hill Climb and the Central City Hill Climb.
- 3) Met with BID, Mainstreet and Gilpin History to discuss upcoming events/ roles.
- 4) Welcome for CC Opera will be held on Main Street on June 27th.
- 5) Central City clean-up will be held on May 13th.
- 6) 2016 – Event Calendar has been distributed. Map/brochure arrived last week.
- 7) Billboard lessees have been selected. Local non-profit use of the City billboard has been selected and leases have been prepared.
- 8) Working with multiple publications for more visibility within the Metro area.
- 9) Branding work has started and two bids has been received.
- 10) Expanded stage, tents and Burma shave sign discussion with BID have occurred.
- 11) RFP – Monument Signage – In process.
- 12) Main Street Central City Activities:
 - a. Central City Photo Contest – Future CC postcards
 - b. Chair-ity event/auction – July 23rd
 - c. Focused large MSCC event – July 23rd
 - d. Central City Clean-up day – May 13th
 - e. \$2,500 grant will be applied for from the State.
 - f. Photo cutouts (Baby Doe etc.) in process.

Visitor Center

- 1) Updating the displays in the center as well as promotion of the Center is underway.

Staffing

- 1) IT support staff facilitation continues.
- 2) Investigating a wellness program.
- 3) Back-up Central City Ambassador position interview will be held this week.

To: Mayor Engels, City Council, and City Manager

From: Sam Hoover, Public Works Director

Date: April 27, 2016

Re: Bi-weekly Report

Over the past two-weeks, public works staff has performed the following activities:

- Staff met with Xcel to review the undergrounding project on Spring Street:
 - Right-of-way research will begin soon
 - Removal of two services and the poles in the Big-T lot should occur in the next two weeks
 - After services and poles are removed PW will remove the parking shack
 - Project is on schedule with a planned completion date of early Fall 2017
- Finished hanging string lights on Lawrence Street and changed bulbs to match Main Street lights
- Performed snow removal
- Performed temporary repairs on the sidewalk (Eureka Street at Spring Street)
- Patched potholes
- Cleaned culverts

Water Department



To: City Manager, Daniel Miera
From: Jason Nelson, Utility Director
Date: April, 2016
Re: Bi-Monthly Report

- **Chlorine Gas** – A new shipment of chlorine gas was received at the Water Treatment Plant on April 26th. This shipment should provide enough disinfectant for the drinking water through the summer months.
- **Candidate Interviews** – Candidate interviews for the position of Water Treatment Plant Operator will commence in the very near future. To date, two candidates have shown an interest in the position. The position will be opened until filled.

MEMORANDUM

DATE: 28 April 2016
TO: Daniel Miera / City Manager
FROM: Gary Allen / Fire Chief
RE: **Activity Report**

The Fire Department responded to 108 incidents as of 27 April, 2016 with 12 incidents being out of city, and of those 5 incidents was for Mutual Aid (MA) to other agencies. Following are the activities the department responded to and conducted for this reporting period.

Tuesday 29 March - 20:24 PM / Public Assist - Rescue, FS Road 175.3

Thursday 31 March - 12:35 PM / Medical, 321 Gregory St.

Wednesday 6 April - 03:46 AM / Medical, 321 Gregory St.

Thursday 7 April - 08:32 AM / Public Assist, 221 Eureka St.

Friday 8 April - 12:58 PM / Elevator Rescue, 321 Gregory St.

Friday 8 April - 19:37 PM / Elevator Rescue, 120 Main St.

Saturday 9 April - 16:04 / Medical, 120 Main St.

Monday 11 April - 06:45 AM / Fire Alarm, 321 Gregory St.

Wednesday 13 April - 06:53 AM / Haz-Mat, Leavitt and Lawrence St.

Wednesday 13 April - 11:29 AM / Fire Alarm, 321 Gregory St.

Saturday 16 April - 06:01 AM / Medical, 102 Main St.

Saturday 16 April - 18:54 PM / Medical, Nevada & Spruce St.

Monday 18 April - 13:34 PM / Medical, 321 Gregory St.

Wednesday 20 April - 02:21 AM / Fire Alarm, 321 Gregory St.

Wednesday 20 April - 11:12 AM / Fire Alarm, 321 Gregory St.

Saturday 23 April - 11:35 AM / Medical, Residential - First High St.

Sunday 24 April - 10:49 AM / Medical, 102 Main St.

Tuesday 26 April - 13:58 PM / Medical, 3500 BLK Bald Mountain Road.

Training

Continued with Haz-Mat Ops class at Clear Creek Fire in Dumont on 3/30 and all day 4/2 with the final written test on 4/6.

Attended a 2016 update meeting on fire reimbursement for the upcoming Wildland Fire season with FF Diane Stundon in Denver at Denver Fire Training Center.

Conducted Dept. Truck and Station Maintenance at Station 1 on Saturday 2 April.

Begin S130/190 Wildland Firefighter class on Monday 4 April at Station 2 at 18:30 PM and will continue every Monday through April into May.

Conducted regular department training on Firefighter JPR's on initiate response, report writing and radio use.

Conducted the 2016 RT-130 Wildland Refresher on Saturday 9 April all day at Station 2 for all department members

Conducted regular department training on Firefighter JPR's exiting a hazardous area and interior fire attack.

Meetings

Attend the Aspen Leaf meeting in Georgetown

Attended staff meetings at City Hall.

Attended a Heart of Colorado Philanthropy meeting at the Gilpin Community Center on fund raising.

Attend a FPPA meeting with Abigail and Lt. Susie Allen at City Hall.

Attend City Council meetings at City Hall.

Attend a Communications / Operations meeting in Idaho Springs with Gilpin and Clear Creek emergency response agencies.

Attended the Hazard Mitigation meeting in Georgetown, where we ranked the 8 hazard plans I wrote for the city and other areas.

Met with Dirk Matthews with Gilpin County Facilities on the fire alarm system at the County Courthouse.

Attended State Chiefs meeting in Copper Mountain.

Attend the Central City Volunteer Firefighters Foundation (CCVFF) meeting on Tuesday 26 April at Station 1.

Apparatus

Spent time on minor repairs to Command 31 (2006 Dodge 4x4).

Took C-31 (2006 Dodge 3500) down to Denver for repairs on the front end (ball Joints) and alignment on Monday and picked it up on Tuesday.

Took R-31 (1993 GMC 3500) down to Denver for radio repairs and picked up parts to repair the wipers and siren, which I repaired.

General

Attended the First Responder Day at the Capital.

Inspect piles for a slash pile burn at 351 Eureka Street which will take place on 7 May.

Attended the funeral service for Firefighter Wayne Butler's father in Arvada and also provided apparatus for the procession to the grave site in respect for Firefighter Butler and his Father's long fire service career.

Administer EMS grant and the State Firefighter Safety Grant awards.

Due to major snow storm on 16 April, I worked as Fire Chief and as EM Manager and attended phone conference calls twice a day all weekend with Sergeant Kevin Armstrong, Chief Don Taylor, Chief Glenn Levy and Gilpin Public Works Director Bill Pullman.

I was scheduled to attend a pipeline emergency response class in Vail but due to the Haz-Mat spill on Leavitt Street I could not attend and will reschedule.

Chained all trucks at both stations, checked roads, shoveled walks and assist in traffic issues during snow storm.

Met with Rob Sontag with the Colorado Division of Fire Prevention & Control (DFPC) and conducted fire inspections on Dostal Alley and the Reserve on Tuesday 19 April.

Attended the Change in Command and Paul Cook's retirement from the DFPC and bringing in of Mike Morgan to the DFPC.