

CITY OF CENTRAL, COLORADO
NOTICE OF A REGULAR MEETING of the CITY COUNCIL to be held on
Tuesday, May 19, 2015 @ 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-to start following the work session

1. Call to Order.
2. Roll Call.

Mayor	Ron Engels
Mayor ProTem	Kathy Heider
Council members	Shirley Voorhies
	Glo Gaines
	Judy Laratta
3. Pledge of Allegiance
4. Additions and/or Amendments to the Agenda.
5. Conflict of Interest.
6. Consent Agenda: The Consent Agenda contains items that can be decided without discussion. Any Council member may request removal of any item they do not want to consider without discussion or wish to vote no on, without jeopardizing the approval of other items on the consent agenda. Items removed will be placed under Action items in the order they appear on the agenda (this should be done prior to the motion to approve the consent agenda).

Regular Bill lists of May 7 & 14; and
City Council minutes: May 5, 2015.

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.

ACTION ITEMS: NEW BUSINESS –

7. Ordinance No. 15-04: An ordinance of the City Council of the City of Central, Colorado amending Sections 6-5-10 and 6-5-40 of the Municipal Code concerning the transportation portion of the Gaming Device Fee and clarifying that such fee is imposed and collected by the Central City Transportation Enterprise.
8. Resolution No. 15-11: A resolution of the City Council of the City of Central, Colorado establishing the Central City Transportation Enterprise and authorizing the establishment of the Central City Transportation Enterprise Fund. (McAskin)

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 June 2, 2015.

**CITY OF CENTRAL
CASH ON HAND
5/14/2015**

Total Beginning ENB Cash on Hand 04/30/15	578.94
Deposits to ENB	
Wires Out ENB	-
Cleared Checks	-
<hr/>	
5/14/2015	578.94
<less previously approved & outstanding>	288.13
Total ENB Cash on Hand 5/14/15	290.81

Total COB Cash on Hand 5/7/15	349,574.32
Deposits to COB	10,827.40
Wires Out COB	50,664.49
Cleared Checks	49,963.90
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5/14/2015	259,773.33
<less previously approved & outstanding>	(189,406.23)
Device Fees Received	
Total COB Cash on Hand 5/14/15	70,367.10

Total Beginning Colotrust Cash on Hand 05/05/15	756,393.22
Wires into Account	43,320.60
Wires out of Account	
<hr/>	
Total Colotrust Cash on Hand 05/14/2015	799,713.82

TOTAL CASH ON HAND 05/14/15	870,371.73
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CASH FLOW
CHECK LISTING

5/14/2015

Inv Date	Inv #	Ck. Date	Ck#	Vendor	Description	Amount	Mail Date
5/4/15		5/8/15	129737	Employee	Payroll	168.55	
2/4/15	9837	5/7/15	129741	American Data Group	Accounting Software Maintenance	2,934.00	
5/1/15	050115	5/7/15	129742	Barbara Thielemann	National Main Street Conference	500.00	
5/6/15	12954	5/7/15	129743	Canyon Glass	Windshields	1,072.96	
5/1/15	5751194009	5/7/15	129744	Clear Creek Supply	Oval Stop Seal	12.52	
5/7/15	2419458	5/7/15	129745	Poster Compliance Center	New Compliance Posters	158.00	
4/27/15	1174967	5/7/15	129746	Drive Train Industries	Pw Parts	141.52	
5/7/15	050715	5/7/15	129747	Gilpin County Arts Association	Vendor Payment	478.00	
4/21/15	0415	5/7/15	129748	Gilpin County Sheriffs Office	Prisoner Housing	27.50	
4/28/15	042815	5/7/15	129749	Home Depot	Beautification Supplies	1,125.45	
4/20/15	330956	5/7/15	129750	Napa Auto Parts	Brake Pads, Power Steering Hose	523.66	
5/4/15	102920001	5/7/15	129751	Office Stuff	Toners, Laminate, Notebooks	323.14	
5/1/15	050115	5/7/15	129752	Xcel Energy	Electricity	4,768.16	
4/21/15	042115	5/7/15	129753	Purchase Power	Postage	17.56	
4/30/15	21504241	5/7/15	129754	Utility Notification Center	Line Locates	17.16	
4/30/15	663899	5/7/15	129755	Honnen Equipment	John Deere Parts	156.66	
4/21/15	3414802	5/7/15	129756	Galls Inc	Utility Polo and Embroidery	79.93	
5/7/15	23116	5/7/15	129758	Aflac	Supplemental Insurance	286.50	
5/4/15	1010808	5/7/15	129759	RG Consulting	On Call Planning	2,850.00	
5/3/15	4960	5/7/15	129760	Ausmus Law	Prosecution for May	600.00	
4/27/15	042715	5/7/15	129761	USA Communications	Internet Service for City Hall and PW	600.90	
4/27/15	342834	5/7/15	129762	Whisler Bearing	Housing and Bearing	33.65	
5/5/14	3015	5/7/15	129763	Griffith Inc	Consulting for Water and PW	1,537.50	
5/7/15	2760084937	5/7/15	129764	Waste Management	Dumpster Rentals	408.56	
4/25/15	16400	5/7/15	129765	Chema Tox	Blood Testing	150.00	
4/29/15	92373	5/7/15	129766	Psychological Dimensions	Pre Offer Job Suitability	225.00	
5/4/15	CC0009	5/7/15	129767	W2 Engineers	General Engineering	110.00	
5/1/15	050115	5/7/15	129768	Transunion Risk	Investigative Software	11.25	
5/5/15	050515	5/7/15	129769	Abigail Adame	Moving Expenses	5,000.00	
4/27/15	042715	5/7/15	129770	DCFS Inc	Snow Plow Lease	38,601.18	
2/25/15	1 and 2	5/7/15	129771	Black Box Public Policy	Finance Director Services	4,997.98	
4/30/15	430	5/7/15	129772	Economic Strategies	Work for April	666.67	
4/30/15	7300026915	5/14/15	129773	DPC Industries	Chlorine	24.00	
5/14/15	CP134B	5/14/15	129774	Internal Revenue Service	Payroll Taxes	360.23	
5/14/15	13061416	5/14/15	129775	Motorola Inc	Radio for FD	134.80	
5/7/15	102964001	5/14/15	129776	Office Stuff	Envelopes, Postal Paper, Wrap	38.64	
5/4/15	050415	5/14/15	129777	Xcel Energy	Electricity	7,046.32	
4/26/15	CCORD1502A	5/14/15	129778	Weekly Register Call	Ordinance 15-02	17.60	
4/28/15	43767	5/14/15	129779	Med-Tech Resource	Gauze and Bandages	46.74	
5/14/15	051415	5/14/15	129780	CMCA	Election Class	35.00	
5/8/15	150501	5/14/15	129781	Gilpin County Historical Soc	Employee for Wash Hall	1,679.34	
5/8/15	10424	5/14/15	129782	Deere and Ault	Water Accounting, Opp to Water Rights	17,748.75	

CASH FLOW
CHECK LISTING

5/14/2015

5/5/15 106630	5/14/15	129783 Dewco Pumps	Discharge Valve, Suction Valve	430.28
5/4/15 050415	5/14/15	129784 Sprint	Long Distance Fax Service	8.58
5/4/15 4222	5/14/15	129785 Teryx	Resolve Printer Issue	32.50
4/30/15 9926824837	5/14/15	129786 Airgas USA	Acetylene, Argon and Oxygen	76.60
4/27/15 042715C	5/14/15	129787 USA Communications	Internet Service for FD	60.94
5/1/15 050115	5/14/15	129788 T and D Car	PD Car Washes	80.00
4/30/15 39935	5/14/15	129789 Pro Com	Drugs Testing for Webb	37.00
4/30/15 534	5/14/15	129790 Mountain Tool	Fedex Shipment	17.80
5/8/15 050815	5/14/15	129791 Union Medical	Pre Employment Physical for Young	258.00
5/5/15 050515	5/14/15	129792 Cardmember Services	See Attached	9,791.63
5/7/15 1563532	5/14/15	129793 Deere Credit	Loader Lease	2,766.86
4/23/15 32653	5/14/15	129794 Alperstein & Covell PC	Water Legal Counsel	1,927.00
4/28/15 192953	5/14/15	129795 Innovative	Safety Glasses and Ear Plugs	456.16
			Total Issued:	189,694.36
Outstanding through ENB	288.13		Approved & Sent Checks:	78,204.18
Outstanding through COB	189,406.23		Pending Approval:	111,490.18
			Total Pending Approval 05/19/2015	111,490.18

**CITY OF CENTRAL
CREDIT CARD PURCHASES**

<u>Date</u>	<u>Vendor</u>	<u>Description</u>	<u>Amount</u>
May-15	Staples Direct	Office Supplies	51.19
	DMX	Music for Channel 20	24.95
	Staples Direct	Office Supplies	4.10
	Hurricane Electric	Internet Support	9.95
	Staples Direct	Office Supplies	104.71
	Staples Direct	Office Supplies	28.83
	Time Park Lot	Parking for PD	15.00
	VistaPR	Gary Allen?	39.90
	Steels Com Medical	Family Prattice Kit	203.99
	Tool Discounter	Pulley Puller & Installer	76.27
	Cavenders.com	Work Boot	145.29
	Walmart	Charger	10.41
	Radio Shack	Cable	6.50
	Best Buy	XM	39.99
	Northern Tool	PW ?	94.29
	Everything Attachment	PW ?	107.00
	Northern Tool	Convex Mirror	68.47
	Northern Tool	PW ?	740.53
	Fred Pryor Careertrack	Sales Tax Training for Adame	199.00
	Goodyear	PD Tires	808.63
	OSI US Flags	Flags for Main Street	499.90
	Novelty Lights	Lights for Main Street	2,539.85
	Big R	Socket	6.06
	Lowes	Planters for Main Street	3,966.82

TOTAL for Credit Cards **9,791.63**

Total for All Cards **9,791.63**

**CITY OF CENTRAL
CITY COUNCIL MEETING
May 5, 2015**

CALL TO ORDER

A regular meeting of the City Council for the City of Central was called to order by Mayor Engels at 7:00 p.m., in City Hall on May 5, 2015.

ROLL CALL

Present: Mayor Engels
Mayor Pro Tem Heider
Alderman Voorhies
Alderman Gaines
Alderman Laratta

Absent: None

Staff Present: City Manager Miera
City Clerk Bechtel
Attorney McAskin
Finance Director Adame
Police Chief Krelle
Fire Chief Allen

The Pledge of Allegiance was recited by all present.

ADDITIONS AND/OR AMENDMENTS TO THE AGENDA

Attorney McAskin added an Executive Session pursuant to C.R.S. Sections 24-6-402(4)(b) at the end of the meeting before adjournment for Council to receive legal advice regarding Article II of Chapter 15 of the Municipal Code.

CONFLICTS OF INTEREST

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

CONSENT AGENDA

Alderman Gaines moved to amend the consent agenda to approve the minutes separate from the bill list. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

Alderman Gaines moved to approve the regular bill list of April 23 and 30, 2015. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

Alderman Gaines moved to approve the City Council minutes for the meeting on April 21, 2015. Alderman Voorhies seconded, and without discussion, the motion carried unanimously with Mayor Pro Tem Heider abstaining due to her absence for the April 21, 2015 meeting.

PUBLIC FORUM/AUDIENCE PARTICIPATION

No one requested time to address the Council.

SECOND READING AND PUBLIC HEARING

Ordinance No. 15-01: *An ordinance of the City Council of the City of Central amending and restating the City of Central City Council Rules of Procedure.*

Attorney McAskin explained that Ordinance No. 15-01 proposes minor revisions to the City Council Rules of Procedure (the "Rules"). The minor revisions to the Rules set forth are being proposed to clarify meeting procedures in the event that both the Mayor and Mayor Pro Tem are absent from a Council meeting. The minor revisions to the Rules addressed in Ordinance 15-01 include the following:

- Clarifying change in Rule 1 to delete reference to work sessions being held on the second and fourth Thursdays of each month, as that does not comport with current practice.
- Clarifying change to Rule 1 to insert language addressing public participation at Council work sessions (allowed, but at City Council's discretion and if time permits).
- Insertion of new Rule 5 (Roles and Responsibilities of the Mayor Pro Tem) and new Rule 6 (Temporary Chair).
- Renumbering the balance of the current Rules to account for the insertion of new Rule 5 and Rule 6.

Alderman Gaines suggested a change in the order of the sentences in Rule 1 to help clarify that community input is welcome. Attorney McAskin agreed to make those revisions.

Mayor Engels opened the public hearing at 7:12 p.m. and invited comment. With no comments offered, Mayor Engels closed the public hearing at 7:13 p.m.

Alderman Voorhies moved to adopt Ordinance No. 15-01: An ordinance of the City Council of the City of Central amending and restating the City of Central City Council Rules of Procedure as amended for sentence order in Rule 1. Mayor Pro Tem Heider seconded, and without discussion, the motion carried unanimously.

Ordinance No. 15-02: *An ordinance of the City Council of the City of Central approving a Lease Agreement by and between the City and Central City, LLC for the premises known as 117 Main Street, 123 Main Street, and 125 Main Street.*

City Manager Miera reviewed the proposed ordinance which authorizes the City to enter into a Lease Agreement for three addresses. These lease agreements are an attempt to further the economic development plan entitled Maintain Central which provides public support for economic development projects in the City that foster, promote and enhance local economic development efforts. And it specifically contemplates the City entering into long-term rental and/or leasehold agreements as necessary to fulfill authorized functions of the City, including but not limited to the implementation of the Plan.

The City currently uses some of its own properties to provide space to various entities including Art Galleries and a Museum. Various property owners, including nonprofit entities, currently provide space to tenants in a similar fashion. An important goal of this type of activity is to retain and/or incubate certain businesses; without such assistance, they may not otherwise exist within the local economy. This economic development function also serves to occupy some of the empty historic spaces, which helps to preserve the historic buildings within the City. Additionally the operations and improvements associated with the increased activity ultimately may serve to increase assessed values in the area over time.

The leasing of the Premises would provide the City with overflow meeting space, a venue for showcasing public art, and space for special events or festivals. The Premises also contains office space that could be used for the City's economic development consultant and/or the Main Street Central City Program Director as well as the City will maintain control of the spaces that are not fully occupied.

Fiscal impacts in acquiring control of the premises under the agreement will cost the City \$1.00 through December 31, 2016 and may be extended for \$1.00 per year thereafter. Property insurance rates through CIRSA are estimated at \$1,500 per year. There will also be a loss of property tax revenue to the City.

Alderman Gaines questioned if the \$1.00 lease was per address. City Manager Miera explained that it is \$1.00 for all three addresses.

Mayor Pro Tem Heider confirmed that this will reduce the tax requirements for the property owner. City Manager Miera clarified that any current tax owed on these addresses would be the liability of the property owner. If the property is completely tax free due to the uses of the City with the property then all property taxes on these properties would come off the tax roles.

Mayor Engels opened the public hearing at 7:26 p.m. and invited comment. With no comments offered, Mayor Engels closed the public hearing at 7:27 p.m.

Alderman Gaines moved to adopt Ordinance No. 15-02: An ordinance of the City Council of the City of Central approving a Lease Agreement by and between the City and Central City, LLC for the premises known as 117 Main Street, 123 Main Street, and 125 Main Street and set the public hearing for May 5, 2015 at 7:00 p.m. Mayor Pro Tem Heider seconded, and without discussion, the motion carried unanimously.

ACTION ITEMS: NEW BUSINESS

Ordinance No. 15-03: An ordinance repealing and reenacting Article I of Chapter 18 of the City of Central Municipal Code to adopt by reference the International Building Code, 2015 Edition; the International Fire Code, 2015 Edition; the International Residential Code for one and two family dwellings, 2015 Edition; the International Mechanical Code, 2015 Edition; the International Plumbing Code, 2015 Edition; the International Energy Conservation Code, 2015 Edition; 2015 Edition; the International Existing Building Code, 2015 Edition; the International Fuel Gas Code, 2015 Edition; and, making specific amendments to the above referenced codes.

Gary Pringey, City Building Official, gave background on the process for updating the code from the current 2009 Edition. In discussion of the details regarding the proposed changes, Council requested that we take this item to a work session to have time to review all the changes with concern for impact to historic properties.

Alderman Gaines moved to table Ordinance No. 15-03 pending a work session scheduled on June 2, 2015 at 6:00p.m. Alderman Voorhies seconded, and without discussion, the motion carried unanimously.

STAFF UPDATES

City Manager Miera gave information regarding questions from Council:

Quarterly Work Session with the BID – scheduled for May 19 at 6:00p.m.

Public Works Director – interviews completed and an offer presented to one candidate with an expected start date of May 18

Eureka Street Projects – work by both Xcel and Centurylink are waiting to be scheduled

Knights of Pythias – staff is working with them for compliance

Clifton Allen Larson – may assist with the Caselle conversion and other services to replace Shannon Flowers though there is not a definite scope of work at this time

COUNCIL COMMENTS

Alderman Voorhies reminded staff that as summer is approaching, the Exit from the Parkway near KOA would be beneficial for safety. City Manager Miera stated that since the City did not receive Reddi Grant funding, we are looking at additional grant opportunities and JVA is working on the design.

Alderman Laratta added that with the summer season approaching, it is the time to get the DO NOT ENTER sign at the entrance to Main Street removed. City Manager Miera explained that JVA is working to finalize their exhibits for a presentation to Council.

PUBLICFORUM/AUDIENCEPARTICIPATION

Bob Branstetter, 100 Casey, offered his opinion on the ownership of service lines in the public ROW which included that we should not burden the homeowners with the cost for locates and repair when much of the time the problem is the City line and the City should hire the contractor and maintain control of the project keeping to City standards.

Barbara Thielemann, 101 H Street, reviewed the details for Central City Community Pride Day to be held on May 29th.

Mayor Pro Tem Heider moved to go into Executive Session pursuant to C.R.S. Sections 24-6-402(4)(b) to receive legal advice regarding Article II of Chapter 15 of the Municipal Code and to reconvene the Council meeting at the conclusion of the executive session for the purpose of taking any action deemed necessary, and to adjourn the May 5, 2015 regular Council meeting..

At 8:22 p.m., Mayor Engels adjourned the meeting.

The next Council meeting is scheduled for May 19, 2015 at 7:00 p.m.

Ronald E. Engels, Mayor

Reba Bechtel, City Clerk



AGENDA ITEM # 7, 8

CITY COUNCIL COMMUNICATION FORM

FROM: Marcus McAskin, City Attorney

DATE: May 14, 2015

ITEMS: Ordinance 15-04 Amending Sections 6-5-10 and 6-5-40 of the Municipal Code Concerning the Transportation Directed Portion of the Gaming Fee and Clarifying that Such Fee is Imposed and Collected by the Central City Transportation Enterprise

Resolution 15-11 Establishing the Central City Transportation Enterprise and the Central City Transportation Enterprise Fund

ORDINANCE
 RESOLUTION
 MOTION
 INFORMATION

- I. **REQUEST OR ISSUE:** Ordinance No. 15-04 proposes minor revisions to Article V of Chapter 6 of the Municipal Code.

The minor revisions are being proposed by the City in order to clarify that the portion of the monthly gaming device fee which is reserved to assist the City in paying costs for transportation services and improvements is a fee imposed by, collected by and spent by the Central City Transportation Enterprise, if and as formed.

The City Council is being asked to consider Ordinance 15-04 on first reading on May 19, 2015. Staff is recommending that second reading/public hearing be scheduled for Tuesday, June 2, 2015 at 7:00 p.m.

Resolution 15-11 establishes the Central City Transportation Enterprise and the Central City Transportation Enterprise Fund.

- II. **RECOMMENDED ACTIONS / NEXT STEPS:** (A) Approve Ordinance No. 15-04 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, June 2, 2015.

(B) Approve Resolution 15-11. No public hearing is required prior to adoption of the Resolution.

- III. **FISCAL IMPACTS:** None.

- IV. **BACKGROUND INFORMATION:**

Ordinance 15-04

As set forth above, the minor revisions to Article V of Chapter 6 of the Municipal Code are being proposed by the City in order to clarify that the portion of the monthly gaming device fee which is reserved to assist the City in paying costs for transportation services and improvements is a fee imposed by, collected by and spent by the Central City Transportation Enterprise, if and as formed.

A **legislative version** of the changes proposed to Article V of Chapter 6 of the Code (specifically Sections 6-5-10 and 6-5-40) is included in this Council Communication Form at pages five and six.

Resolution 15-11

The proposed Resolution establishes the Central City Transportation Enterprise (the "Enterprise"). The purpose of the Enterprise will be to pursue innovative and efficient means of completing transportation infrastructure projects within the City, and to finance such improvements. The governing body of the Enterprise will be City Council. The Resolution vests the Enterprise with the following powers and duties:

- (1) To impose and collect the Transportation Fees set forth in Article V of Chapter 6 of the Municipal Code;
- (2) To issue or reissue revenue bonds or incur other forms of debt payable from the revenues and other available moneys of the Enterprise pledged for their payment;
- (3) To contract with any other governmental or nongovernmental source of funding for loans or grants to be used to support Enterprise functions; and
- (4) To seek out and enter into public-private partnerships.

Resolution 15-11 also establishes the Transportation Enterprise Fund. Following establishment of the Fund, the Finance Director will ensure that all revenues received by the Enterprise, including any revenues from the Transportation Fees will be deposited into the Transportation Enterprise Fund.

V. LEGAL ISSUES:

No legal issues. Once formed, the Enterprise will constitute an enterprise for purposes of Section 20 of Article X of the Colorado Constitution so long as it retains the authority to issue revenue bonds and receives less than ten percent of its total revenues in grants from all Colorado state and local governments combined.

VI. CONFLICTS OR ENVIRONMENTAL ISSUES: N/A

VII. SUMMARY AND ALTERNATIVES:

Ordinance 15-04 -- City Council has the following options:

- (1) Adopt Ordinance No. 15-04 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 MOTION: "I MOVE TO APPROVE ORDINANCE 15-04, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTRAL, COLORADO AMENDING SECTIONS 6-5-10 AND 6-5-40 OF THE MUNICIPAL CODE CONCERNING THE TRANSPORTATION DIRECTED PORTION OF THE GAMING DEVICE FEE AND CLARIFYING THAT SUCH FEE IS IMPOSED AND COLLECTED BY THE CENTRAL CITY TRANSPORTATION ENTERPRISE, ON FIRST READING AND FURTHER MOVE TO SET SECOND READING AND PUBLIC HEARING ON ORDINANCE 15-04 FOR TUESDAY, JUNE 2, 2015, AT 7:00 P.M. IN THESE CHAMBERS."

Resolution 15-11 – City Council has the following options:

- (1) Adopt Resolution No. 14-06, as presented;
- (2) Direct staff to make revisions to the Resolution and schedule consideration of the Resolution on a future City Council agenda; or
- (3) Reject or deny the resolution.

RECOMMENDED MOTION: "I MOVE TO APPROVE RESOLUTION 15-11 A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CENTRAL, COLORADO, ESTABLISHING THE CENTRAL CITY TRANSPORTATION ENTERPRISE AND THE CENTRAL CITY TRANSPORTATION ENTERPRISE FUND."

Attachments:

- Ordinance 15-04 (for first reading)
- Resolution 15-11
- Legislative version of 15-04 (pages 5-6 of this CCF)

Legislative Version of Changes to Sections 6-5-10 and 6-5-40 of the Municipal Code

Section 1. Section 6-5-10 shall be amended to include a definition of “City” as set forth herein. No other definitions or language of Section 6-5-10 are amended hereby.

City means the City of Central or, as to the portion of the device fee reserved for transportation services and improvements, the City’s transportation enterprise, as and if formed.

Section 2. Section 6-5-40 is hereby amended to read in its entirety as follows:

Sec. 6-5-40. Device fee imposed.

(a) In addition to, and separate and apart from, the license fee imposed under this Article, each gaming establishment shall be required to pay a monthly device fee for each gaming device operated within a gaming establishment. The purposes of the device fee are: (1) to assist the City **or its transportation enterprise, as and if formed**, in paying costs for transportation services and improvements that are necessary and are a result of and roughly proportionate to the impacts on the City of limited gaming; and (2) to assist the City in funding certain marketing and advertising costs in calendar year 2015 that are related to promoting the limited gaming industry. The monthly device fee is directly related to the need for increased transportation services and improvements necessary to serve the customers, employees and users of gaming establishments, the need for advertising and marketing efforts to promote the limited gaming industry within the City, and will provide a significant and proportional benefit to such businesses.

(b) That portion of the device fee allocated to transportation improvements (the “Transportation Fee”) shall be twenty-two dollars and eight cents (\$22.08) per month for each gaming device. In order to ensure sufficient revenue collections, that portion of the device fee allocated to advertising and marketing expenses (the “Marketing Fee”) shall be adjustable based upon the number of gaming devices in operation and the amount of revenue needed. The base Marketing Fee shall be five dollars (\$5.00) per month for each gaming device and the maximum Marketing Fee shall be seven dollars (\$7.00) per month for each gaming device. The adjustable Marketing Fee for each gaming device shall be effective through December 31, 2015, unless an extension of the same is approved by ordinance of City Council. If no extension of the Marketing Fee is approved by City Council, the device fee shall be reduced to twenty-two dollars and eight cents (\$22.08) commencing January 1, 2016.

(1) Revenues collected from imposition of the Transportation Fee shall be **imposed, collected and spent by the City’s transportation enterprise, as and if formed, and** used exclusively for transportation services and improvements primarily

serving or benefitting the gaming areas, and shall not be used for general operating expenses of the City.

(2) Revenues collected from imposition of the Marketing Fee shall be used exclusively to defray the costs of advertising and marketing that are expected to be provided pursuant to an intergovernmental agreement between the City and the Central City Business Improvement District (“CCBID”), and shall not be used for general operating expenses of the City.

(3) The amount of the Marketing Fee shall be determined each month by the City Manager based upon the current number of gaming devices in the City and the expected amounts of the costs of advertising and marketing for 2015.

(c) Notwithstanding the foregoing requirement to pay a monthly device fee to assist the City with providing transportation services and improvements and funding advertising and marketing expenses, the City Council is authorized to establish incentive programs wherein such device fee may be temporarily waived or reduced on such terms and conditions as set forth by resolution of City Council, **except that no such waiver or reduction shall be authorized at any time when the device fee is pledged to the repayment of any City or City transportation enterprise outstanding obligation.**

(d) All revenues collected by the City from the Marketing Fee may be remitted to the CCBID or paid to the CCBID’s contractors pursuant to the terms of an intergovernmental agreement by and between the City and the CCBID, which agreement shall memorialize the advertising and marketing efforts to be provided by the CCBID, or shall otherwise be appropriated and spent by the City as approved by City Council.

**CITY OF CENTRAL, COLORADO
ORDINANCE 15-04**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CENTRAL,
COLORADO AMENDING SECTIONS 6-5-10 AND 6-5-40 OF THE MUNICIPAL CODE
CONCERNING THE TRANSPORTATION DIRECTED PORTION OF THE GAMING
DEVICE FEE AND CLARIFYING THAT SUCH FEE IS IMPOSED AND COLLECTED
BY THE CENTRAL CITY TRANSPORTATION ENTERPRISE**

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 the public health, safety and welfare; and

WHEREAS, the City previously adopted Ordinance 273, Article 4, 1991 (codified at Article V of Chapter 6 of the City of Central Municipal Code) which established a gaming device fee, one purpose of which is to assist the City in paying costs for transportation services and improvements that are necessary and are a result of and roughly proportionate to the impacts on the City of limited gaming; and

WHEREAS, the gaming device fees are currently codified in Article V of Chapter 6 of the Municipal Code; and

WHEREAS, the City Council has, by resolution, established an enterprise known as the Central City Transportation Enterprise which is a government owned business authorized to pursue innovative and efficient means of completing surface transportation infrastructure projects and to impose, collect and spend, in furtherance of its purposes, that portion of the monthly gaming device fee which is reserved to assist the City in paying costs for transportation services and improvements that are necessary and are a result of and roughly proportionate to the impacts on the City of limited gaming; and

WHEREAS, City Council desires to amend Article V of Chapter 6 of the Municipal Code to clarify that the portion of the monthly gaming device fee which is reserved to assist the City in paying costs for transportation services and improvements is a fee imposed by, collected by and spent by the Central City Transportation Enterprise.

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

Section 1. Section 6-5-10 shall be amended to include a definition of “City” as set forth herein. No other definitions or language of Section 6-5-10 are amended hereby.

City means the City of Central or, as to the portion of the device fee reserved for transportation services and improvements, the City’s transportation enterprise, as and if formed.

Section 2. Section 6-5-40 is hereby amended to read in its entirety as follows:

Sec. 6-5-40. Device fee imposed.

(a) In addition to, and separate and apart from, the license fee imposed under this Article, each gaming establishment shall be required to pay a monthly device fee for each gaming device operated within a gaming establishment. The purposes of the device fee are: (1) to assist the City or its transportation enterprise, as and if formed, in paying costs for transportation services and improvements that are necessary and are a result of and roughly proportionate to the impacts on the City of limited gaming; and (2) to assist the City in funding certain marketing and advertising costs in calendar year 2015 that are related to promoting the limited gaming industry. The monthly device fee is directly related to the need for increased transportation services and improvements necessary to serve the customers, employees and users of gaming establishments, the need for advertising and marketing efforts to promote the limited gaming industry within the City, and will provide a significant and proportional benefit to such businesses.

(b) That portion of the device fee allocated to transportation improvements (the "Transportation Fee") shall be twenty-two dollars and eight cents (\$22.08) per month for each gaming device. In order to ensure sufficient revenue collections, that portion of the device fee allocated to advertising and marketing expenses (the "Marketing Fee") shall be adjustable based upon the number of gaming devices in operation and the amount of revenue needed. The base Marketing Fee shall be five dollars (\$5.00) per month for each gaming device and the maximum Marketing Fee shall be seven dollars (\$7.00) per month for each gaming device. The adjustable Marketing Fee for each gaming device shall be effective through December 31, 2015, unless an extension of the same is approved by ordinance of City Council. If no extension of the Marketing Fee is approved by City Council, the device fee shall be reduced to twenty-two dollars and eight cents (\$22.08) commencing January 1, 2016.

(1) Revenues collected from imposition of the Transportation Fee shall be imposed, collected and spent by the City's transportation enterprise, as and if formed, and used exclusively for transportation services and improvements primarily serving or benefitting the gaming areas, and shall not be used for general operating expenses of the City.

(2) Revenues collected from imposition of the Marketing Fee shall be used exclusively to defray the costs of advertising and marketing that are expected to be provided pursuant to an intergovernmental agreement between the City and the Central City Business Improvement District ("CCBID"), and shall not be used for general operating expenses of the City.

(3) The amount of the Marketing Fee shall be determined each month by the City Manager based upon the current number of gaming devices in the City and the expected amounts of the costs of advertising and marketing for 2015.

(c) Notwithstanding the foregoing requirement to pay a monthly device fee to assist the City with providing transportation services and improvements and funding advertising

and marketing expenses, the City Council is authorized to establish incentive programs wherein such device fee may be temporarily waived or reduced on such terms and conditions as set forth by resolution of City Council, except that no such waiver or reduction shall be authorized at any time when the device fee is pledged to the repayment of any City or City transportation enterprise outstanding obligation.

(d) All revenues collected by the City from the Marketing Fee may be remitted to the CCBID or paid to the CCBID's contractors pursuant to the terms of an intergovernmental agreement by and between the City and the CCBID, which agreement shall memorialize the advertising and marketing efforts to be provided by the CCBID, or shall otherwise be appropriated and spent by the City as approved by City Council.

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 _____, 2015, 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 ___ day of _____, 2015.

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 _____, 2015.

POSTED AND PUBLISHED BY TITLE [AND SUMMARY IF AMENDED ON SECOND READING] in the Weekly Register Call newspaper on _____, 2015.

CITY OF CENTRAL, COLORADO

Ronald E. Engels, Mayor

ATTEST:

Reba Bechtel City Clerk

**CITY OF CENTRAL, COLORADO
RESOLUTION NO. 15-11**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CENTRAL,
COLORADO, ESTABLISHING THE CENTRAL CITY
TRANSPORTATION ENTERPRISE AND
THE CENTRAL CITY TRANSPORTATION ENTERPRISE FUND**

WHEREAS, the City of Central, Colorado (the “City”), is a home rule city and political subdivision of the State of Colorado, duly organized and operating under the constitution and laws of the State of Colorado; and

WHEREAS, Article X, Section 20 of the Colorado Constitution, commonly referred to as the TABOR amendment, provides that an enterprise is a government owned business that is authorized to issue its own revenue bonds, and which receives less than ten percent (10%) of its total annual revenue in grants from all Colorado state and local governments combined; and

WHEREAS, an enterprise is exempt from the provisions of the TABOR amendment; and

WHEREAS, the City Council desires to establish an enterprise to be known as the Central City Transportation Enterprise which shall be a government owned business, the purpose of which will be to pursue innovative and efficient means of completing surface transportation infrastructure projects; and

WHEREAS, it is necessary, appropriate and in the best interest of the City for the City to aggressively pursue innovative means of more efficiently financing important transportation infrastructure projects that will improve the safety, capacity and accessibility of the surface transportation system and will allow more efficient movement of people and goods throughout and to the City and the Central City Transportation Enterprise shall be authorized to pursue any available means of financing such surface transportation infrastructure projects; and

WHEREAS, the City has previously adopted Ordinance 273, Article 4, 1991 (codified at Article V of Chapter 6 of the City of Central Municipal Code) which established a gaming device fee, one purpose of which is to assist the City in paying costs for transportation services and improvements that are necessary and are a result of and roughly proportionate to the impacts on the City of limited gaming, with such transportation services and improvements to include facilities, works, projects, resources and improvements necessary to provide public transportation, parking, safety protection facilities, roadway maintenance and construction, shelters, pedestrian facilities, bike paths, shuttle service and all related buildings, improvements and structures, and other properties and facilities in connection with such transportation improvements; and

WHEREAS, Ordinance 273, Article 4, 1991 (codified at Article V of Chapter 6 of the City of Central Municipal Code) further provides that that portion of the device fee allocated to transportation improvements (the “Transportation Fee”) shall be twenty-two dollars and eight cents (\$22.08) per month for each gaming device and the Transportation Fee revenues shall be

used exclusively for transportation services and improvements primarily serving or benefitting the gaming areas, and shall not be used for general operating expenses of the City; and

WHEREAS, the City hereby establishes a Transportation Enterprise Fund; and

WHEREAS, all revenues from the Transportation Fees shall be deposited into the Transportation Enterprise Fund, and in no event shall revenues from any tax otherwise available for general purposes be deposited into the Transportation Enterprise Fund,

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

Section 1. There is hereby established the Central City Transportation Enterprise (the "Enterprise"). The Enterprise shall be owned by the City of Central and shall operate as a government owned business. The purpose of the Enterprise will be to pursue innovative and efficient means of completing surface transportation infrastructure projects within the City, and to finance such improvements.

Section 2. The governing body of the Enterprise shall be the City Council, and shall be subject to all of the applicable laws, rules, and regulations pertaining to the City Council. Whenever the City Council is in session, the governing body of the Enterprise shall also be deemed to be in session, and whenever the City Council acts with regard to the Enterprise, it shall be deemed to be acting as both the City Council and the governing body of the Enterprise. It shall not be necessary for the governing body of the Enterprise to meet separately from the regular and special meetings of the City Council, nor shall it be necessary for the governing body of the Enterprise to specifically announce or acknowledge that actions taken thereby are taken by or as the governing body of the Enterprise. The governing body of the Enterprise may conduct its affairs in the same manner and subject to the same laws which apply to the City Council for the same or similar matters; provided that adoption of an ordinance by the City Council authorizing the issuance of bonds or other obligations payable from revenue of the Enterprise shall constitute approval of such ordinance by the governing body of the Enterprise.

Section 3. To allow the Enterprise to accomplish its purpose and fully exercise its powers and duties through the City Council acting as the governing body of the Enterprise, the Enterprise may:

(A) Impose and collect the Transportation Fees set forth in Article V of Chapter 6 of the City of Central Municipal Code;

(B) Issue or reissue revenue bonds or incur other forms of debt payable from the revenues and other available moneys of the Enterprise pledged for their payment;

(C) Contract with any other governmental or nongovernmental source of funding for loans or grants to be used to support Enterprise functions; and

(D) Seek out and enter into public-private partnerships.

Section 4. The Enterprise shall constitute an enterprise for purposes of Section 20 of Article X of the Colorado Constitution so long as it retains the authority to issue revenue bonds and receives less than ten percent of its total revenues in grants from all Colorado state and local governments combined. So long as it constitutes an enterprise pursuant to this Section, the Enterprise shall not be subject to any provisions of Section 20 of Article X of the Colorado Constitution. The Enterprise shall be authorized and empowered to issue revenue bonds or incur other debt as required to finance: (a) transportation improvements and repairs; and (b) the operation of the Enterprise, including acquisition, design, construction and maintenance of facilities required to provide transportation related improvements and related services to the residents of, property owners in, and visitors to the City of Central.

Section 5. The Enterprise shall also be authorized to establish, charge and collect such fees and charges as may from time to time be required and established to fund the improvements, or operation and maintenance of any of the facilities or improvements described above. The Enterprise shall have all of the authority, powers, rights, obligations, and duties as may be provided or permitted by the Constitution and laws of the state, and as may be further prescribed by ordinance or resolution of the City Council.

Section 6. The Transportation Enterprise Fund is hereby created. All revenues received by the Enterprise, including any revenues from the Transportation Fees collected pursuant to subparagraph (A) of Section 3 of this Resolution and as authorized by Article V of Chapter 6 of the Municipal Code shall be deposited into the Transportation Enterprise Fund. The Enterprise also may deposit or permit others to deposit other moneys into the Transportation Enterprise Fund, but in no event may revenues from any tax otherwise available for general purposes be deposited into the Transportation Enterprise Fund. All interest and income derived from the deposit and investment of moneys in the Transportation Enterprise Fund shall be credited to the Transportation Enterprise Fund and, if applicable, to the appropriate transportation infrastructure project account. Moneys in the Transportation Enterprise Fund shall be continuously appropriated to the Enterprise for the purposes set forth in this resolution. All moneys deposited in the Transportation Enterprise Fund shall remain in the fund for the purposes set forth in this resolution, and no part of the Transportation Enterprise Fund shall be used for any other purpose.

Section 7. The Enterprise may expend moneys in the Transportation Enterprise Fund to pay bond or other debt obligations, to fund transportation infrastructure projects, and for the acquisition of land to the extent required in connection with any surface transportation infrastructure project. The Enterprise may also expend moneys in the Transportation Enterprise Fund to pay its annual operating costs and expenses. The City Council shall have exclusive authority to budget and approve the expenditure of moneys in the Transportation Enterprise Fund.

Section 8. Notwithstanding the provisions of Section 6-5-40(c) of the Municipal Code of the City of Central, during any time in which the Transportation Fee has been pledged to the payment of any outstanding bond or debt of the Enterprise, the City Council shall not establish any incentive programs wherein such device fee may be temporarily waived or reduced.

Section 9. If any section, paragraph, clause or provision of this Resolution shall for any reason be held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision shall not affect any of the remaining issues of this Resolution.

Section 10. Effective Date. This Resolution shall take effect upon its approval by the City Council.

INTRODUCED, READ AND ADOPTED AT A REGULAR MEETING OF THE CITY COUNCIL OF THE CITY OF CENTRAL by a vote of _____ in favor and _____ against this 19th day of May, 2015.

CITY OF CENTRAL, COLORADO

By: _____
Ronald E. Engels, Mayor

ATTEST:

APPROVED TO FORM:

By: _____
Reba Bechtel, City Clerk

By: _____
Marcus A. McAskin, City Attorney